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No. 11]

NEW DELHI, SATURDAY, MARCH 18, 1989/PHALGUNA 27, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)

PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

तिथि एवं न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 27 जनवरी, 1989

सूचनाएं

का प्रा. 505.—नोटरीज नियम, 1956 के नियम 6 के अनु-
सरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एम. एन.
भिरानी, अधिवक्ता ने उक्त प्राधिकारी को उक्त नियम के नियम
4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे तीन हजार
कोर्ट या पश्चिम दिल्ली कोर्ट में व्यवसाय करने के लिए नोटरी के रूप में
नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार
का आपत्ति इस सूचना के प्रकाशन के चौदह दिनों के भीतर लिखित रूप
में भेजे पास भेजा जाए।

[सं. 5(8)/89-न्या.]

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 27th January, 1989

NOTICES

S.O. 505.—Notice is hereby given by the Competent
Authority in pursuance of rule 6 of the Notaries, 1956, that

application has been made to the said Authority, under rule 4
of the said Rules, by Shri M. N. Bhirani, Advocate for
appointment as a Notary to practise in Tis Hazari Court/
West Delhi

2. Any objection to the appointment of the said person
as a Notary may be submitted in writing to the undersigned
within fourteen days of the publication of this Notice.

[No. F. 5(8)/89-Judl.]

नई दिल्ली, 30 जनवरी, 1989

का प्रा 506.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण
में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री डी. डी. गुप्ता जी,
ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन
इस बात के लिए दिया है कि उन्हें दरियागंज दिल्ली में व्यवसाय करने के
लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार
का आपत्ति इस सूचना के प्रकाशन के चौदह दिनों के भीतर लिखित रूप
में भेजे पास भेजा जाए।

New Delhi, the 30th January, 1989

S.O. 506.—Notice is hereby given by the Competent
Authority in pursuance of rule 6 of the Notaries, 1956, that
application has been made to the said Authority, under rule
of the said Rules, by Sh. D. D. Gupta, Advocate for appoint-
ment as a Notary to practise in Darya Ganj, Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(6)/89-Judl.]

नई दिल्ली, 31 जनवरी 1989

का. प्रा. 507.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एन. के. मुखर्जी, अधिवक्ता ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उन्हें हावड़ा कोर्ट, पश्चिमी बंगाल में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(45)/88-न्या.]

New Delhi, the 31st, January, 1989

S.O. 507.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri S. K. Mukherjee, Advocate for appointment as a Notary to practise in Howrah Court, W.B.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(45)/88-Judl.]

नई दिल्ली, 1 फरवरी, 1989

का. प्रा. 508.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री आनन्द प्रकाश शुकला ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फैजाबाद, उत्तरप्रदेश व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(32)/88-न्या.]

New Delhi, the 1st February, 1989

S.O. 508.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Anand Prakash Shukla for appointment as a Notary to practise in Faizabad.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(32)/88-Judl.]

का. प्रा. 509.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री मती यश ठिक्कर, अधिवक्ता ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उन्हें नई दिल्ली/समस्त भारत में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(12)/89-न्या.]

S.O. 509.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Smt. Yash Chhibber, Advocate for appointment as a Notary to practise in New Delhi/All India.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(12)/89-Judl.]

नई दिल्ली, 2 फरवरी, 1989

का. प्रा. 510.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री नाथमल शर्मा, अधिवक्ता ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उन्हें जयपुर में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(14)/89-न्या.]

New Delhi, the 2nd February, 1989

S.O. 510.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Sh. Nath Mal Sharma, Advocate for appointment as a Notary to practise in Jaipur.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(14)/89-Judl.]

का. प्रा. 511.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अभिमन्यु सैनी, अधिवक्ता ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उन्हें तीस हाजरी, दिल्ली कोर्ट में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(13)/89-न्या.]

कृष्ण चरन सिंह सक्षम प्राधिकारी

S.O. 511.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Sh. Abhimanyu Saini, Advocate for appointment as a Notary to practise in Tis Hazari Courts, Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(13)/89-Judl.]

K. D. SINGH, Competent Authority

गृह मंत्रालय

नई दिल्ली, 30 जनवरी, 1989

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 10th January, 1989

का. आ. 512.—शस्त्र अधिनियम, 1959 (1959 का 54) की धारा 41 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार का यह मत है कि ऐसा करना जनहित में होने के कारण श्री के. सुन्दरजी, पी बी एम एम, सेवा निवृत्त थल सेनाध्यक्ष को एतद्वारा निम्नलिखित आग्नेयस्त्रों के संबंध में उक्त अधिनियम की धारा 3 की उप-धारा (2) की संहिता से छूट दी जाए:—

1. .22 राइफल नं 88339
2. .12 बोर डी बी बी एन गन नं. 49947
3. .12 बोर डी बी बी एन गन नं 697
4. पिस्तौल 10 एम एम यू एम (1 एम) बल्गेरिया में निर्मित।
5. पिस्तौल 7.65 एम एम एस नं. 6444 (चेकोस्लोवाकिया) में निर्मित।

[सं. बी-11013/1/88-आर्म्स]

टी. के. रविन्द्रनाथ, अध्वर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 30th January, 1989

S.O. 512.—In exercise of the powers conferred by section 41 of the Arms Act, 1959 (54 of 1959), the Central Government, being of opinion that it is expedient in the public interest so to do, hereby exempts Shri K. Sundarji, PVSM, Retd. Chief of Army from the operation of sub-section (2) of section 3 of the said Act in respect of firearms of the following description:—

1. .22 Rifle No. 88339
2. .12 bore DBBL gun No. 499 47
3. .12 bore DBBL gun No. 697
4. Pistol 10mm Um(1M) (Made in Bulgaria)
5. Pistol 7.65mm S. No. 6444 (Made in Czechoslovakia)

[No. V. 11013/1/88-ARMS]

T. K. RAVINDRANATH, Under Secy.

भारतिय सुरक्षा विभाग

(पुनर्वास प्रभाग)

नई दिल्ली, 10 जनवरी, 1989

का. आ. 513.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्रीलंका शरणार्थी पुनर्वास आयुक्त और आयुक्त एवं सचिव, तमिलनाडु सरकार, लोक विभाग को उनके अपने कार्य के अतिरिक्त तमिलनाडु राज्य में प्रतिकर पूल की भूमि तथा संपत्तियों के लिए उक्त अधिनियम के द्वारा अधिकांश के अधीन बंदोबस्त आयुक्त को सौंपे गए कार्य करने के लिए बंदोबस्त आयुक्त नियुक्त करती है।

2. इस अधिनियम द्वारा श्रम एवं पुनर्वास मंत्रालय (पुनर्वास विभाग) की अधिमूर्चना सध्या-1(19) विशेष सैल 82-एस. एस. II (क) दिनांक 6-12-1982 का अधिक्रमण किया जाता है।

[सं.-1(5)/विशेष सै./33-एस.एस. II]

S.O. 513.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Commissioner for Sri Lanka Refugees' Rehabilitation and Commissioner and Secretary to Government of Tamil Nadu, Public Department as Settlement Commissioner for the purpose of performing, in addition to his own duties, the functions assigned to a Settlement Commissioner by or under the said Act, in respect of the land and properties forming part of the Compensation Pool within the State of Tamil Nadu.

2. This supercedes Ministry of Labour and Rehabilitation (Department of Rehabilitation)'s Notification No. 1(19)Spl-Cell/82-SS. II(A) dt. 6th December, 1982.

[No. 1(5)/Spl. Cell/88-SS.II]

नई दिल्ली, 18 जनवरी, 1989

का. आ. 514.—निष्कांत संपत्ति प्रबंध अधिनियम, 1950 (1950 का 31) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा गृह मंत्रालय, भारतिय सुरक्षा विभाग के अधीन पुनर्वास प्रभाग (बंदोबस्त विंग) में सहायक बंदोबस्त अधिकारी श्री कुलीन दास को उक्त अधिनियम के अधीन अधिकांश के द्वारा सहायक अभिरक्षक को सौंपे गये कार्यों के निष्पादन के लिये, उनके अपने कार्यभार के अतिरिक्त, तत्काल प्रभाव से सहायक अभिरक्षक, निष्कांत संपत्ति नियुक्त करती है।

[संख्या-1(1)/विशेष सैल/89-एस. एस. II]

कुलदीप राय, उप सचिव

New Delhi, the 18th January, 1989

S.O. 514.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Shri Chhabil Dass, Assistant Settlement Officer in the Rehabilitation Division (Settlement Wing) under the Ministry of Home Affairs, Department of Internal Security as Assistant Custodian of Evacuee Property, in addition to his own duties, for the purpose of performing the functions assigned to such Assistant Custodian by or under the said Act, with immediate effect.

[No. 1(1)/Spl. Cell/89-SS. II]

KULDIP RAI, Dy. Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 3 फरवरी, 1989

का. आ. 515.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा श्री एस.जी. सामंत, अधिवक्ता, बम्बई को मजिस्ट्रेट के न्यायालय में सभी कार्रवाईयों में उपस्थित होने, सेवान न्यायालय में परीक्षण के संचालन और के०प्र.ब्यूरो/वि.पु. स्थापन द्वारा अन्वेषित भार.सी. 2 (एस)/88-एस.आई.यू.-5 के संबंध में तथा उससे जुद्धूत सभी कार्रवाईयों में पुनरीक्षण और अपील न्यायालयों में

उपस्थित होने के प्रयोजन के लिए विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/32/88-ए.बी.डी.-II]

जी.सीतारामन, अवसर सचिव

MINISTRY OF PERSONNEL, P.G. & PENSIONS

(Deptt. of Personnel and Training)

New Delhi, the 3rd February, 1989

S.O. 515.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) the Central Government hereby appoints Shri S. C. Samat, Advocate, Bombay as Special Public Prosecutor for the purpose of appearing in all proceedings in the Magistrate's court, to conduct trial in the court of the Sessions and to appear in all proceedings in the Revisional & Appellate courts in relation to, and arising out of RC. 2(S)/88-SIU. V investigated by the Central Bureau of Investigation (Special Police Establishment), New Delhi.

[No. 225/32/88.AVD.II]

G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 3 जनवरी, 1989

(आयकर)

का. प्रा. 516.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय सरकार एतद्वारा श्री भार.ए. मित्तल को, जो कि केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री भार.ए. मित्तल द्वारा कर वसूली अधिकारी के पद का कार्यभार संभालने की तारीख से प्रवृत्त होगी।

[संख्या-8153/फा.सं. 398/13/88-आ.क. (बजट)]

बी.ई. अलेक्जेंडर, अवसर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 3rd January, 1989

INCOME-TAX

S.O. 516.—In pursuance of sub-clause (ii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri R. A. Mittal being a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri R. A. Mittal takes over charge as Tax Recovery Officer.

[No. 8153/F. No. 398/13/88-IT(B)]

B. E. ALEXANDER, Under Secy.

नई दिल्ली, 9 जनवरी, 1989

(आयकर)

का.प्रा. 617.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80छ की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त धारा के प्रयोजनार्थ, "अवलम्बिक देवी कारमाड़ी भस्मन थिरुकोइल थिरुवरकडु, मद्रास" को तमिलनाडु राज्य में प्रख्यात सार्वजनिक पूजा स्थल के रूप में इस शर्त पर अधिसूचित करती है यह मंदिर इस प्रयोजनार्थ पथक लेखा-पुस्तकें रखेगा और दान में प्राप्त राशि का उपयोग मंदिर की मरम्मत के लिए किया जाएगा।

[म. 8158/फा सं 176/69/88-आ.क. (न.-I)]

आनन्द किशोर, अवसर सचिव

New Delhi, the 9th January, 1989

(INCOME-TAX)

S.O. 517.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 80G of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Arulthiru Devi Karumari Amman Thirukkoil, Thiruverkadu" Madras, to be a place of public worship of renown through-section on the conditions that the temple will maintain separate books of accounts for the purpose and the donations received will be utilised exclusively for the renovation of the temple.

[No. 8158/F. No. 176/69/88-ITA.I]

ANAND KISHORE, Under Secy.

नई दिल्ली, 3 फरवरी, 1989

आदेश

स्टाम्प

का.प्रा. 518.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा महाराष्ट्र राज्य वित्त निगम, बम्बई को मात्र पचास लाख छत्तीस हजार दो सौ पचास रुपए के उस समेकित स्टाम्प शुल्क की प्रदायगी करने की अनुमति देती है, जो उक्त निगम द्वारा जारी किए जाने वाले मात्र सात करोड़ पन्द्रह लाख रुपए के कुल मूल्य के ऋण पत्रों के स्वरूप में 11.50 प्रतिशत महाराष्ट्र राज्य वित्त निगम बन्ध पत्र-2008 (52वीं श्रृंखला) पर स्टाम्प शुल्क के कारण प्रभावी है।

[संख्या 7/89-स्टाम्प फा.सं. 33/9/89-बि. कर]

New Delhi, the 3rd February, 1989

ORDERS

STAMPS

S.O. 518.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Maharashtra State Financial Corporation, Bombay to pay consolidated stamp duty of rupees five lakhs thirty six thousand two hundred and fifty only, chargeable on account of the stamp duty on 11.50 per cent Maharashtra State Financial Corporation Bonds—2008 (52nd Series) in the form of debentures of the total value of rupees seven crores and fifteen lakhs to be issued by the said Corporation.

[No. 7/89-Stamp F. No. 33/9/89-ST]

का. आ. 519.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सिटी एण्ड इण्डस्ट्रियल डिवेलपमेंट कारपोरेशन आफ महाराष्ट्र लिमिटेड, बम्बई की मात्र पन्द्रह लाख रुपए के समेकित स्टाम्प शुल्क की प्रत्यागती करने की अनुमति देती है, जो उक्त कारपोरेशन द्वारा जारी किए जाने वाले बीस करोड़ रुपए के कुल मूल्य के ऋण पत्रों के रूप में प्रत्येक 25 लाख रुपए के अंकित मूल्य के क्रम क्रमांक 1 से 80 तक के बन्ध-प्रमाणपत्रों पर स्टाम्प शुल्क के कारण प्रभाव है।

[संख्या 8/89-स्टाम्प फा.सं. 33/8/89-बि. कर.]

वी० आर० मेहता, अवर सचिव

S.O. 519.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the City and Industrial Development Corporation of Maharashtra Limited, Bombay to pay consolidated stamp duty of rupees fifteen lakhs only, chargeable on account of the stamp duty on bond certificates bearing serial Nos. 1 to 80 of the face value of Rs. 25 lakh each in the form of debentures of the total value of rupees twenty crore to be issued by the said Corporation.

[No. 8/89-Stamp F. No. 33/8/89-ST]

B. R. MEHMI, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 6 फरवरी, 1988

आयकर

का.आ. 520.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) और उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, एतद्वारा भारत सरकार के वित्त मंत्रालय, केन्द्रीय प्रत्यक्ष कर बोर्ड की अधिसूचना सं. का.आ. 358 (अ), दिनांक 30 मार्च, 1988 में निम्नलिखित संशोधन करता है, अर्थात् :—

क्र.सं.	पदनाम	मुख्यालय	अधिकार-क्षेत्र
(1)	(2)	(3)	(4)
"14.	मुख्य आयुक्त (प्रशासन), मद्रास।	मद्रास	आयकर आयुक्त, तमिलनाडु-III, मद्रास। आयकर आयुक्त, तमिलनाडु-IV, मद्रास। आयकर आयुक्त, तमिलनाडु-V, मद्रास। आयकर आयुक्त, कोयंबटूर।
14क.	मुख्य आयुक्त (नकली) मद्रास।	मद्रास	आयकर आयुक्त, तमिलनाडु-I, मद्रास। आयकर आयुक्त, तमिलनाडु-I, मद्रास। आयकर आयुक्त, मदुरै। आयकर आयुक्त (बमूला) मद्रास।"

2. यह अधिसूचना 27 जुलाई, 1988 को लागू होगी।

[सं. 8117/फा.सं. 187/2/88-आ.फ. (नि.-1)]

आनन्द किशोर, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 6th October, 1988.

INCOME-TAX

S.O. 520.—In exercise of the powers conferred by sub-section (1) and sub-section (2) of section 120 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance, Central Board of Direct Taxes No. S. O. 358 (E) dated the 30th March, 1988, namely :—

In the Schedule to the said notification, for Sl. No. 14 and the entries relating thereto, the following shall be substituted, namely :—

Sl. No.	Designation	Headquarters	Jurisdiction
1	2	3	4
"14.	Chief Commissioner (Administration)	Madras	Commissioner of Income-tax, Tamil Nadu-III, Madras. Commissioner of Income-tax, Tamil Nadu-IV Madras. Commissioner of Income-tax, Tamil Nadu-V, Madras. Commissioner of Income-tax, Coimbatore.
14A.	Chief Commissioner (Technical)	Madras	Commissioner of Income-tax, Tamil Nadu-I, Madras. Commissioner of Income-tax, Tamil Nadu-II, Madras. Commissioner, of Income-tax, Madurai. Commissioner of Income-tax (Recovery), Madras."

2. This notification shall come into force on the 27th day of July, 1988.

[No. 8117/F.No. 187/2/88-IT(A.)]
ANAND KISHORE, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 2 फरवरी, 1989

का.आ. 521.—राष्ट्रीयकृत बैंक, (प्रबंध और प्रकीर्ण उपबंध) योजना, 1970 की धारा 3 की उप धारा (ज) के अनुसरण में केन्द्रीय सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नयी दिल्ली के संयुक्त सचिव श्री अजय कुमार अग्रवाल को श्री एन. बालमुद्रमप्पन के स्थान पर एतद्वारा इण्डियन बैंक के निदेशक के रूप में नियुक्त करती है।

[सं. एक. 9/8/89-वी.आ. 2]

एम.एम. सीतारामन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 2nd February, 1989

S.O. 521.—In pursuance of sub-clause (h) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri A. K. Agarwal Joint Secretary, Ministry of

Finance, Department of Economic Affairs (Banking Division),
New Delhi as a Director of Indian Bank Vice Shri N.
Balasubramanian.

[F. No.9 /6/89-BO.I]

M. S. SEETHARAMAN, Under Secy.

केन्द्रीय भविष्य निधि प्रायुक्त का कार्यालय

नई दिल्ली, 31 जनवरी, 1989

का.प्र. 522.—केन्द्रीय भविष्य निधि प्रायुक्त को जहाँ यह प्रतीत होता है कि निम्नलिखित स्थापनाओं से संबंधित नियोजता तथा कर्मचारियों का बहुमत इस बात से सहमत हो गए हैं कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध निम्नलिखित स्थापनाओं पर लागू किए जायें।

क्र.सं.	संस्थान का नाम व पता	व्याप्ति की तिथि
01.	मै. आर. के. एसोसियेट्स, एम. सी. ओ. 73, सेक्टर 17-डी, चण्डीगढ़।	1-3-88
02.	मै. होट मिलियन्स, एस. सी. ओ. 74-75, सेक्टर 17डी, चण्डीगढ़।	1-3-88
03.	मै. वर्मा ट्रांसपोर्ट कं., सैल स्टोक यार्ड, सुरानुसी, जालंधर।	1-7-87
04.	मै. माथा कोप. गुगर मिल्स लि., गिरोन, तरन तारन (अमृतसर)	1-8-87
05.	मै. के. एस. सिक्सयोरिटी सर्विसेज, हीरा महल कालोनी, (श. बतारा के पास) नाभा जिला पटियाला।	1-10-87
06.	मै. सूद होटल एण्ड एलाईड एंटरप्राइजेज, (प्रा.) लि., मिथे हस्टेट, शिमला।	1-12-87
07.	मै. नार्थरन डिजिटल एक्सचेंज लि., बी-97, फेज-8, मोहाली (पंजाब), तथा इसका हेड ऑफिस थापर हाउस, 24, जनपथ, नई दिल्ली तथा पंजीकृत ऑफिस एस. सी. ओ. 54-56, सेक्टर 17-ए, चण्डीगढ़।	30-8-86
08.	मै. इन्द्र सिंह, मोहिनंदर सिंह, कोन्स्ट्रक्शंस एच. नं. 400, फेज-1, मोहाली (पंजाब)	1-1-88

अतः केन्द्रीय भविष्य निधि प्रायुक्त, उक्त अधिनियम की धारा 1 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उपर्युक्त स्थापनाओं को उस या उस प्रभावी तिथि से अधिनियम को लागू करते हैं जो उक्त स्थापनाओं के नाम के साने दर्शायी गयी है।

[सं. के. प्र. नि. प्रा./ई-1(4) पी. बी. (12)/89]

OFFICE OF THE CENTRAL PROVIDENT FUND COM-
MISSIONER

New Delhi, the 31st January, 1989

S. O. 522.—Whereas it appears to the Central Provident Fund Commissioner that the employers and the majority of

employees in relation to the following establishments have agreed that the provisions of the Employee's Provident Fund's and Miscellaneous Provisions Act, 1952 (19 of 1952) shall be made applicable to the said establishments namely :—

Sl. Name & Address of the Establishments No.	Date of coverage
1. M/s. Arkey Associates, S.C.O. 73, Sector 17-D, Chandigarh	1-3-88
2. M/s. Hot Millions S.C.O. 74-75, Sector 17-D, Chandigarh	1-3-88
3. M/s. Verma Transport Co., Sail Stock Yard, Suranussi, Jalandhar	1-7-87
4. M/s. Majha Co-operative Sugar Mills Ltd., Sheron, Tarn Taran (Amritsar).	1-8-87
5. M/s. K.S. Security Services, Hira Mahal Colony (Near Dr. Batra), Nabha Distt. Patiala.	1-10-87
6. M/s. Sud Hotels & Allied Enterprises Pvt. Ltd., Mythe Estate, Shimla.	1-12-87
7. M/s. Northern Digital Exchange, Pvt. Ltd. B-97, Phase-VIII, Mohali (Punjab) and its Head Office at Thapar House, 24, Janpath New Delhi and Regd. Office at S.C.O. 54-56, Sector-17A, Chandigarh.	30-8-86
8. M/s. Inder Singh, Mohinder Singh Contractors, H.No. H-400, Phase-I Mohali (Punjab).	1-1-88

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, the Central Provident Fund Commissioner hereby applies the Provisions of the said Act to the above mentioned establishments from and with effect from the dates mentioned against the name of each of the said establishments.

[No. CPFC/E. 1(4)PB(12)/89]

का.प्र. 523.—केन्द्रीय भविष्य निधि प्रायुक्त को जहाँ यह प्रतीत होता है कि निम्नलिखित स्थापनाओं से संबंधित नियोजता तथा कर्मचारियों का बहुमत इस बात से सहमत हो गए हैं कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध निम्नलिखित स्थापनाओं पर लागू किए जायें।

क्र.सं.	संस्थान का नाम व पता	व्याप्ति की तिथि
1	2	3
01.	मै. लक्ष्मी सैरामिक्स इण्डस्ट्रीज इस्टेट चन्दु लाल बारादरी, हैदराबाद (प्रा. प्र.)	1-2-84
02.	मै. टी. के. सी. इलेक्ट्रोनिक्स (प्रा.) लि., 16-ए, इलेक्ट्रोनिक्स कम्प्लेक्स, कुतईगुडा हैदराबाद (प्रा. प्र.)	1-12-85
03.	मै. अपेल प्राण इलेक्ट्रोनिक्स लि., प्लॉट नं. 64, नागरजुना हिल्स, हैदराबाद (प्रा. प्र.)	1-8-87
04.	मै. हाईक्यूप सिस्टम्स, रोड नं. 5, प्रार्द्धी. जी. ए., नाचराम, हैदराबाद-7	1-7-84

1	2	3
05. मै. एकेडमिक प्रांक कर यूटर ऐजुकेशन (ए.सी.ई. कम्प्यूटर ट्रेनिंग (प्रा.) लि.) 2-11-30/7, एस.पी. रोड, सिकन्दराबाद तथा इसकी शाखा उड़ीसा में स्थित।	1-1-88	
06. मै. एम.आर. बैटरीज एण्ड केमिकल्स (प्रा.) लि. शेड नं. 14, आई.डी.ए. चिरलापाली, हैदराबाद।	1-5-87	
07. मै. ई. डोट्रोनिक्स कम्प्यूटर प्रा. लि., 160-डी, सरदार पटेल रोड, सिकन्दराबाद-3, (ए.पी.)	1-9-87	
08. मै. आर. आर. इण्टरप्राइसेस, बी-26, इण्डस्ट्रियल इस्टेट, संत नगर, हैदराबाद-18 (ए.पी.)	1-11-79	
09. मै. कनक दुर्गा एग्रो प्रायल प्राइवेट प्रा. लि., गनगुरु-521-139, पुनामलुरु मनहलम, कृष्णा जि. (ए.पी.)	1-8-87	
10. मै. जी.एम.जी. पैक-ऐड्स, 3-5-152, नजदीक वाटर वर्क्स, नारायणगुडा, हैदराबाद।	1-2-84	
11. मै. लीड बिटर सिड्स (प्रा.) लि., 522/43-44, जगदीश मार्केट काम्प्लेक्स, एजिड रोड, हैदराबाद-1 (ए.पी.)	2-1-85	
12. मै. रामाचन्द्र थियेटर, मल्काजगिरी हैदराबाद-47 (ए.पी.)	1-11-86	

अतः केन्द्रीय सविष्य निधि आयुक्त, उक्त अधिनियम की धारा 1 की उप धारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए उपर्युक्त स्थापनाओं को उस या उस प्रभावी तिथि से अधिनियम को लागू करते हैं जो उक्त स्थापनाओं के नाम के सामने दर्शायी गई हैं।

[संख्या के.भ.लि.आ./ई-1 (4)/अ.प्र.(13)39]

S.O. 523.—Whereas it appears to the Central Provident Fund Commissioner that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishments namely :—

S. Name & Address of the establishment No.	Date of coverage
1	2
1. M/s. Laxmi Ceramics, Industrial Estate, Chandulal Baradari, Hyderabad (A.P.)	1-2-84
2. M/s. Tee Kay Coe Electronics Pvt. Ltd., 16-A Electronics Complex, Kushaiguda, Hydera- bad, Andhra Pradesh.	1-12-85
3. M/s. Apel Pran Electronics Ltd., Plot No. 64, Nagarjuna Hills, Hyderabad (A.P.)	1-8-87
4. M/s. Hyquip Systems, Road No. 5, I.D.A. Nacharam, Hyderabad-7	1-7-84
5. M/s. Academy of Computer Education (ACE Computer Training (P) Ltd.) 2-11-30/7, S.P. Road, Secunderabad. Including its branch at Orissa.	1-1-88

1	2	3
6. M/s. M.R. Batteries and Chemicals Pvt. Ltd. Shed No. 14, I.D.A. Charlapally, Hyderabad- (AP)	1-5-87	
7. M/s. Indotronix Computers Private Ltd. 160-D, Sardar Patel Road, Secunderabad-3 (AP)	1-9-87	
8. M/s. R.R. Enterprises, B-26, Industrial Estate, Sanatnagar, Hyderabad-18 (A.P.)	1-11-79	
9. M/s. Kanakdurga Agro oil Products Private Limited, Ganguru-521-139, Penamaluru Man- dalam, Krishn Distt. Andhra Pradesh.	1-8-87	
10. M/s. G.M.G. Pack-Aids, 3-5-152, Near Water Works, Narayanguda, Hyderabad.	1-2-84	
11. M/s. Lead-beter Seeds Pvt. Ltd. 522/43-44, Jagdish Market Complex, Abid Road, Hydera- bad-1 (A.P.)	2-1-85	
12. M/s. Ramachandra Theatre, Malkajgiri, Hyderabad-47 (A.P.)	1-11-86	

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, The Central Provident Fund Commissioner hereby applies the Provisions of the said Act to the above mentioned establishments from and with effect from the dates mentioned against the name of each of the said establishment.

[No. CPFC/E. 1(4)/AP(13)/89]

का.आ. 524.—केन्द्रीय सविष्य निधि आयुक्त को जहां यह प्रतीत होता है कि निम्नलिखित स्थापनाओं से संबंधित नियोजता तथा कर्मचारियों का बहुमत इस बात से सहमत हो गए हैं कि कर्मचारी सविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबंध निम्नलिखित स्थापनाओं पर लागू किए जायें।

क्र.सं.	संस्थान का नाम व पता	व्याप्ति की तिथि
1	2	3
01. मै. मद्रास फ्लोराइन प्रा. लि., 266, प्रायल रिफाइनरी रोड, मनानी, मद्रास-68 तथा इसका कार्यालय 83, कामराज एवेन्यू, प्रद्यार मद्रास-20 में स्थित।	1-10-87	
02. मै. हुसैन रिप्रोडक्शन रिमर्च सेन्टर, मद्रुरै मेडिकल कालेज, मद्रुरै तथा इसका प्रशा. का. आई.सी.एम.आर, अंतारी नगर, पो.बा. 4508, नई दिल्ली-29 में स्थित	1-3-87	
03. मै. भिलजरल एप्लिकेटर्स प्रा. लि., 425, पेनथन रोड, एगमोरे, मद्रास-8।	1-5-87	
04. मै. एम.एम. अपरगुस 16 (पहली मंजिल) डा. वर्धराजु रोड, एगमोरे, मद्रास-8	1-8-87	
05. मै. आई.सी.एम.आर. हुसैन रिप्रोडक्शन रिमर्च सेन्टर, आफ इंडियन काउंसिल आफ मेडिकल रिमर्च इंस्टिट्यूट, आफ अक्वेटिफन एंड गायनाकोलोजी, एगमोरे, मद्रास-8	1-1-87	
06. मै. भिलबर व्हाइट, 29ए, माउंट पुनामल्ली रोड, नन्दासकम, मद्रास-89	1-1-88	

1	2	3	1	2	3
07. मी. मैट्रो इंग्लिश मिडियम स्कूल, 19A, Vallala Street, Kodambakkam, Madras-24		1-2-88	7. M/s. Metro English Medium School, 19A, Vallala Street, Kodambakkam, Madras-24		1-2-88
08. मी. कम्प्यूटर ग्राफिक्स (प्रा.) लि., 31A, 9 और 10 सिडको इण्डस्ट्रियल स्टेट, मद्रास-600098 तथा इसकी शाखा 46 टी टी रोड, अलवरपेट मद्रास-18 में स्थित		1-3-88	8. M/s. Computer Graphics(P)Ltd., 31A, 9&10 SIDCO Industrial Estate, Madras-600098 and its branch at 46, T.T.K.Road, Alwarpet, Madras-18		1-3-88
09. मी. चनगाई अग्रीकल्चरल सर्विस को-प. सोसायटी, वार्ड-185, चनगाई, कंजीरा कोड पोस्ट-629155, जिला कन्याकुमारी		1-9-87	9. M/s. Changai Agricultural Service Co-op Society Y-185, Changai, Kanjiracode Post-629155 Kanyakumari Distt.		1-9-87
10. मी. सनमैक फाइनेन्स एण्ड लीजिंग प्रा. लि. पंजीकृत कार. जेम्स कोर्ट, ए-8, पहली मंजिल, 14, खादर नवाज खान रोड, मद्रास-600006		1-5-87	10. M/s. Sanmac Finance and Leasing (P) Ltd. Regd. Office, Gems Court, A-8, First Floor 14, Khadar Nawaz Khan Road, Madras-600006		1-5-87
11. मी. बोलटेक इंजीनियर्स, 46, कोठावल चावडी स्ट्रीट सैदापट मद्रास-600015 और इसका प्रशासनिक कार्यालय, 19, नाना राव नायडू स्ट्रीट, मद्रास-600011		1-3-87	11. M/s. Voltek Engineers, 46, Kothaval Chavadi street Saidapet, Madras -600015. including its Admn. Office at 19-Nana Rao Naidu Street, Madras -600011.		1-3-87
12. मी. देश डीवाइसेज, ए/14, इंडस्ट्रियल इस्टेट, गुन्डी, मद्रास-32		1-8-87	12. M/s. Desh Divices, A-14, Industrial Estate, Guindy, Madras-32.		1-8-87
13. मी. पेंटागन बिजनेस एसोसिएट्स, प्लॉट नं. 12, सिडको इण्डस्ट्रियल इस्टेट, मद्रास-600098 तथा इसकी शाखा क्यू-74, अन्ना नगर, मद्रास-600040 में स्थित		1-7-85	13. M/s. Pentagon Business Associates, Plot No. 12 SIDCO Industrial Estate, Madras-600098 and its branch at Q74, Anna Nagar. Madras. 600040		1-7-85

अतः केन्द्रीय भविष्य निधि आयुक्त, उक्त अधिनियम की धारा 1 की उप-धारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उपर्युक्त स्थापनाओं को उस या उस प्रभावी तिथि से अधिनियम को लागू करते हैं जो उक्त स्थापनाओं के नाम के सामने दर्शायी गयी है।

[संख्या का. भ. नि. आ./ई-1 (4)/टी.एम/(14)/89]

एस.पी. मेहरोत्रा, केन्द्रीय भविष्य निधि आयुक्त

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section 1 of the said Act, the Central Provident Fund Commissioner hereby applies the Provisions of the said Act to the above mentioned establishments from and with effect from the dates mentioned against the name of each of the said establishments.

[No. CPFC/E.1(4)/TN/(14)/89]

S.P. MEHROTRA, Central Provident Fund Commissioner.

S.O. 524.—Whereas it appears to the Central Provident Fund Commissioner that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishments namely :—

S. No.	Name and Address of the Establishment	Date of coverage
1	2	3
1.	M/s. Madras Flourine Pvt. Ltd. 266, Oil Refinery Road, Manali, Madras-68, and its office at 83, Kamraj Avenue, Adya, Madras-20	1-10-87
2.	M/s. Human Reproduction Research Centre, Madurai Medical College, Medurai and its Adm. Office at ICMR, Ansari Nagar, Post Box 4508, New Delhi-110029.	1-3-87
3.	M/s. Milgerton Applicators Pvt. Ltd., 475, Pantheon Road, Egmore, Madras-8	1-5-87
4.	M/s. M. M. Apparels, 16 (First Floor) Dr. Vardharajulu Road Egmore Madras-8	1-8-87
5.	M/s. ICMR Human Reproduction Research Centre, of Indian Council of Medical Research Institute of Obstetrics and Gynaecology, Egmore, Madras-8	1-12-87
6.	M/s. Silver White 29A, Mount Poonamallee Road, Nallambakkam, Madras-89	1-1-88

वार्तापत्र मंत्रालय

नई दिल्ली, 18 फरवरी, 1989

का.आ. 525. केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, मैसर्स जे.बी. बोडा, सर्वेयर्स प्रा. लि., एम.एल.एम. बिल्डिंग, नं. 5, बालाशा रोड, मद्रास-2 को इससे उपाबद्ध अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क ग्रुप-1 के निरीक्षण के लिए इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष की अवधि के लिए इन शर्तों के अधीन अभिकरण के रूप में मान्यता देती है और अभिकरण मैगनीज तथा अयस्क ग्रुप-1 के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के उप नियम (4) के अन्तर्गत निर्यात निरीक्षण परिपक्व/अभिकरण द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए इस संघ में मद्रास में नामित किसी भी अधिकारी को निरीक्षण प्रमाण-पत्र जारी करने के लिए पर्याप्त सुविधाएं देगा।

अनुसूची

- मैगनीज डायक्साइड सहित, कच्चा मैगनीज.
- कच्चा लोहा.
- फेरोमैगनीज स्लैग सहित, फेरोमैगनीज.
- कैल्शियम बोक्साइड सहित बोक्साइड।

[फ.एल.म. 5(15)/एफ.ई.आई.एंड.ई.सी.]

MINISTRY OF COMMERCE

नई दिल्ली, 18 मार्च, 1989

New Delhi, the 18th February, 1989

S.O. 525.—In exercise of the powers conferred by Sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of one year from the date of publication of this notification M/s. J. B. Boda Surveyors Private Ltd., M.L.M. Bldg., No. 5 Wallajah Road, Madras-2 as an agency for the inspection of the Minerals & Ores Group-I specified in schedule annexed hereto prior to export at Madras subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council to in this behalf to examine the method of inspection followed by the said agency in granting the certificate of inspection under sub-rule (4) of rule 4 of the Export of Minerals and Ores Group-I (Inspection) Rules, 1965.

SCHEDULE

1. Manganese Ore excluding manganese dioxide.
2. Iron Ore.
3. Ferromanganese, including ferromanganese slag.
4. Bauxite, including calcined bauxite.

[F No. 5(15)/88EI&EP]

का.प्रा. 526.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पेस्टमोर्टम इंडिया प्राइवेट लिमिटेड, 31-4-8/1 मेकावरी स्ट्रीट, काकिनन्दा-533002 को (i) तेल रहित चावल की भूसी और (ii) हड्डियों का चूरा मींग तथा खुरो का काकिनन्दा में निर्यात से पूर्व घुसीकरण के लिए इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष की अवधि के लिए इन शर्तों के अधीन मान्यता देती है कि उक्त अभिकरण तेल रहित चावल की भूसी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उप नियम (4) तथा हड्डियों का चूरा, मींग तथा खुरो के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अन्तर्गत घुसीकरण का प्रमाण-पत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गई पद्धति की जांच करने के संबंध में निर्यात निरीक्षण पत्रियद द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[फाइनल सं. 5(3)/86-ई आई एंड ई पी]

S.O. 526.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of one year from the date of publication of this notification M/s. Pest Mortem India Pvt. Ltd., 31-4-8/1 Mekavari Street, Kakinanda—533002 as an agency for the fumigation of (i) De-oiled Rice Bran and (ii) Crushed Bones, Horns and Hooves prior to their export at Kakinanda subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by the said agency in granting the certificate of fumigation under sub-rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rule, 1977.

[F. No. 5(3)/86-EI&EP]

का.प्रा. 527.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, मैसर्स नेशनल कार्बन कम्पनी (कैम्परडाउन वर्क्स) (डिवीजन) आफ मैसर्स यूनियन कार्बाइड इंडिया लिमिटेड, 5, रुस्सम जी पारसी रोड, कलकत्ता में विनिर्मित शुष्क बैटरियों का निर्यात से पूर्व नीचे दी गई अनुसूची के अनुसार निरीक्षण करने के लिए, मैसर्स नेशनल कार्बन कम्पनी (कैम्परडाउन वर्क्स) (डिवीजन आफ यूनियन कार्बाइड इंडिया लिमिटेड) को जिनका रजिस्ट्रीकृत कार्यालय, 1, मिडल्टन स्ट्रीट, कलकत्ता-700071 में है, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्नलिखित शर्तों के अधीन रहने हुए, अभिकरण के रूप में मान्यता देती है, अर्थात् :—

1. मैसर्स नेशनल कार्बन कम्पनी (कैम्परडाउन वर्क्स), 5, रुस्समजी पारसी रोड कलकत्ता-2 में विनिर्मित शुष्क बैटरियों का मैसर्स नेशनल कार्बन कम्पनी (कैम्परडाउन वर्क्स) (डिवीजन आफ मैसर्स यूनियन कार्बाइड इंडिया लिमिटेड) नीचे संलग्न अनुसूची के अनुसार निर्यात से पूर्व निरीक्षण करेगी और वह ऐसे तकनीकी अधिकारी के नियंत्रण में किया जाएगा जो निर्यात निरीक्षण अभिकरण-कलकत्ता के अपर निदेशक के पद से कम न हों और इस प्रयोजन के लिए मैसर्स नेशनल कार्बन कम्पनी (कैम्परडाउन वर्क्स) (डिवीजन आफ मैसर्स यूनियन कार्बाइड इंडिया लिमिटेड) उनकी यूनिट मैसर्स नेशनल कार्बन कम्पनी (कैम्परडाउन वर्क्स) (डिवीजन आफ मैसर्स यूनियन कार्बाइड इंडिया लिमिटेड) 5, रुस्समजी पारसी रोड कलकत्ता-2 द्वारा निर्यात की गई वस्तुओं का पोत पर्यन्त निःशुल्क मूल्य (फ्री घोन बोर्ड) के 0.12% की दर से राशि निर्यात निरीक्षण अभिकरण-कलकत्ता को देगा जो एक वर्ष में कम से कम दो हजार पांच सौ रुपये और अधिक से अधिक एक लाख रुपये होगी।

2. मैसर्स नेशनल कार्बन कम्पनी (कैम्परडाउन वर्क्स) (डिवीजन आफ मैसर्स यूनियन कार्बाइड इंडिया लिमिटेड) इस अधिसूचना के अधीन अपने कृत्य के पालन में ऐसे निर्वेशों द्वारा आबाद होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में दें।

स्पष्टीकरण :

इस अधिसूचना के प्रयोजन के लिए "शुष्क बैटरियों" से पलैश साईट ट्रांजिस्टर उपकरण, श्रवण सहायकों, फोटो फ्लैश लैम्पों तथा संचार उपकरणों जैसे उपयोगों में प्रयुक्त लीक सेंच प्रकार की शुष्क बैटरियों तथा परत प्रकार की बैटरियां भी अभिप्रेत हैं और इसमें शुष्क सेल भी आते हैं।

एवरेडी प्रकार	अनुसूची	
	पदनाम	विनिर्देश
1	2	3
915	आर-6	आई एस : 8144-1976
935	आर-14	आई एस : 203-1984
950	आर-20	आई एस : 203-1984
950 नीला	आर-20	आई एस : 8144-1976
935 नीला	आर-14	आई एस : 8144-1976
1035	आर-14	आई एस : 2576-1975
1050	आर-20	आई एस : 2576-1975
सं. 6	आर-40	आई एस : 586-1976
नटैक्स एन-259	आर-20	86-2-आई ई सी-आर-20 एस
नटैक्स एन-5301	आर-14	86-2-आई ई सी-आर-14-एस

1	2	3
टेस्टरोन यू एम-1 ए	ग्रार-20	86-2-ग्राई ई सी-ग्रार-20-एम
टेस्टरोन यू एम-2 ए	ग्रार-14	86-2-ग्राई ई सी-ग्रार-14-एम
टेस्टरोन यू एम-3 ए	ग्रार-6	86-2-ग्राई ई सी-ग्रार-65-एम
स्टार यू एम-1 ए	ग्रार-20	86-2-ग्राई ई सी-ग्रार-20-एम
स्टार यू एम-2 ए	ग्रार-14	82-2-ग्राई ई सी-ग्रार-14-एम
कोयडो यू एम-1 ए	ग्रार-20	86-2-ग्राई ई सी-ग्रार-20-एम
कोयडो यू एम-2 ए	ग्रार-14	86-2-ग्राई ई सी-ग्रार-14-एम
कोयडो यू एम-3 ए	ग्रार-6	86-2-ग्राई ई सी-ग्रार-16-एम

[फाइल नं. 5(1)/89-ई ग्राई एण्ड ई पी]

New Delhi, the 18th March, 1989

S.O. 527.—In exercise of the powers conferred by sub-section (i) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises M/s. National Carbon Company (Camperdown Works) (Division of M/s. Union Carbide India Ltd.) having their registered office at 1, Middleton Street, Calcutta-700071 as the Agency for a period of three years from the date of publication of this Notification in the Official Gazette for inspection of Dry Batteries, as per Schedule appended below, manufactured at M/s. National Carbon Company (Camperdown Works) (Division of M/s. Union Carbide India Ltd.) 5, Rustamjee Parsee Road, Calcutta-2, prior to export subject to the following conditions, namely :—

1. That M/s. National Carbon Company (Camperdown Works) (Division of M/s. Union Carbide India Ltd.), shall carry out the inspection of Dry Batteries, as per schedule appended below, manufactured at M/s. National Carbon Company (Camperdown Works) 5, Rustamjee Parsee Road, Calcutta-2 prior to export under the technical control of an officer not below the rank of Additional Director of Export Inspection Agency, Calcutta and for this purpose M/s. National Carbon Company (Camperdown Works) (Division of M/s. Union Carbide India Ltd.) shall pay to the Export Inspection Agency, Calcutta an amount at the rate of 0.1 per cent of the F.O.B. (Free on Board) value of the items exported from their unit, M/s. National Carbon Company (Camperdown Works) (Division of M/s. Union Carbide India Ltd.) 5, Rustamjee Parsee Road, Calcutta-2, subject to a minimum of Rupee Two Thousand Five Hundred and a maximum of Rupees One Lakh in an year.

2. M/s. National Carbon Company (Camperdown Works) (Division of M/s. Union Carbide India Ltd.) in the performance of its functions under this notification shall be bound by such direction as the Director (Inspection & Quality Control) may give to it in writing from time to time.

EXPLANATION :

For the purpose of this Notification Dry Batteries mean Leclanche type dry batteries as well as layer type batteries used in applications such as Flash lights, transistorised equipments, hearing aids, photoflash lamps and communication equipment and include dry cells.

SCHEDULE

Everady Type	Designation	Specification
1	2	3
915	R-6	IS : 8144—1976
935	R-14	IS : 203—1984
950	R-20	IS : 203—1984
950 Blue	R-20	IS : 8144—1976

1	2	3
935 Blue	R-14	IS : 8144 -1976
1035	R-14	IS : 2576 -1975
1050	R-20	IS : 2576 -1975
No. 6	R-40	IS : 586 -1976
Natex N-259	R-20	86-2-IEC R-20 S
Natex N-5301	R-14	86-2-IEC-R-14-S
Testron UM-1A	R-20	86-2-IEC-R-20 S
Testron UM-2A	R-14	86-2-IEC-R-14 S
Testron UM-3A	R-6	86-2-IEC R-65 S
Star UM-1A	R-20	86-2-IEC R-20 S
Star UM-2A	R-14	86-2-IEC R-14 S
Star UM-3A	R-6	86-2-IEC-R-6 S
Coydo UM-1A	R-20	86-2-IEC R-20 S
Coydo UM-2A	R-14	86-2-IEC R-14 S
Coydo UM-3A	R-6	86-2-IEC-R-6 S

[F.No. 5(1)/89-EI&EP]

बा. शा. 528—नियमित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मोटर इंडस्ट्रीज कं. लि. 75, एम ग्राई ई सी, मतपुर, नाशीक, में विनिर्मित डीजल इंजनों के लिए पुर्जों के रूप में नोजल्स, नोजल होल्डर तथा पुर्जे और इन्जेक्टर समंजन का निर्यात में पूर्व निरीक्षण करने के लिए मैसर्स मोटर इंडस्ट्रीज कं. लि., 75, एम ग्राई ई सी, मतपुर नाशीक को जिनका रजिस्ट्रीकृत कार्यालय होवर रोड, अदुगोदी, बेंगलूर-560030 में है, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्न-लिखित शर्तों के अधीन रहते हुए, अधिकरण के रूप में मान्यता देनी है, अर्थात् :—

1. कि मैसर्स मोटर इंडस्ट्रीज कं. लि., 75, एम ग्राई ई सी मतपुर, नाशीक, में विनिर्मित डीजल इंजनों के लिए पुर्जों के रूप में नोजल्स, नोजल होल्डर तथा पुर्जे और इन्जेक्टर समंजन का मैसर्स मोटर इंडस्ट्रीज कं. लि. निर्यात में पूर्व निरीक्षण करेगी और वह ऐसे अधिकारी के तकनीकी अधिकारी के नियंत्रण में किया जाएगा जो निर्यात निरीक्षण अधिकरण-बम्बई के अपर निदेशक से कम न हो और इस प्रयोजन के लिए मैसर्स मोटर इंडस्ट्रीज कं. लि., 75, एम ग्राई ई सी मतपुर नाशीक से निर्यात की गई वस्तुओं का पोत पर्यन्त निःशुल्क मूल्य (की ओत बोर्ड) मूल्य के 0.1% की दर से राशि निर्यात निरीक्षण अधिकरण बम्बई को देना जो एक वर्ष में कम से कम दो हजार पाँच सौ रुपए और अधिक से अधिक एक लाख रुपए होगी।

2. मैसर्स मोटर इंडस्ट्रीज कं. लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निदेशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में दें।

स्पष्टीकरण :—इस अधिसूचना के प्रयोजन के लिए "डीजल इंजनों" से अभिप्राय कोई भी प्रत्यागामी अन्तर्बहन इंजन अभिप्रेत है जिसमें इंजन के सिलेण्डर में भरे तरल तेल का प्रज्वलन वायु के दबाव की गर्मी से होता है और उसमें से निकली ऊर्जा इंजन के भीतर ही रहती है और इसके अन्तर्गत केवल इंजन के कार्य के लिए आवश्यक पुर्जे संघटक तथा उप साधन भी हैं।

[फाइल नं. 5(3)/88-ई ग्राई एण्ड ई पी]

S.O. 528.—In exercise of the powers conferred by sub-section (i) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises M/s. Motor Industries Co. Ltd.,

having their registered office at Hosur Road, Adugodi, Bangalore-560030 as the Agency for a period of three years from the date of publication of this notification in the Official Gazette for inspection of Nozzles, Nozzle Holders & Spares and Injector Assembly as Spares for Diesel Engines manufactured at M/s. Motor Industries Co. Ltd. 75, MIDC Satpur, Nashik prior to export subject to the following conditions namely :—

1. That M/s. Motor Industries Co. Ltd., shall carry out the inspection of Nozzles, Nozzle Holders & Spares, and Injector Assembly as Spares for Diesel Engines manufactured at M/s. Motor Industries Co. Ltd., 75, MIDC, Satpur, Nashik prior to export under the technical control of an officer not below the rank of Additional Director of the Export Inspection Agency-Bombay and for this purpose M/s. Motor Industries Co. Ltd., shall pay to the Export Inspection Agency, Bombay an amount at the rate of 0.1 percent of the f.o.b. (free on board) value of the items exported from their unit at M/s. Motor Industries Co. Ltd., 75, MIDC, Satpur, Nashik subject to a minimum of rupees two thousand five hundred and maximum of rupees One Lakh in an year.
2. M/s. Motor Industries Co. Ltd., in the performance of its functions under this notification shall be bound by such direction as the Director (Inspection Quality Control) may give to it in writing from time to time.

Explanation :

For the purpose of this Notification, Diesel Engines mean any reciprocating Internal Combustion Engine in which ignition of the liquid fuel injected into the Cylinder of the Engine is performed by the heat of compression of air charge and the energy release takes place within the engine itself and shall include its spares components and accessories essential to the functioning of the engine only.

[File No. 5(3)/88-FI&EP]

का.प्र. 529—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, काजू की गिरियों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1986 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम काजू की गिरियों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1989 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. काजू की गिरियों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1986 में, नियम 4 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—

4. निरीक्षण फीस :— प्रति परीक्षण न्यूनतम 30 रुपये के अधीन रहते हुए, निर्यातकर्ता द्वारा अभिकरण को निम्नलिखित दर से निरीक्षण फीस के रूप में फीस का संवाय किया जाएगा, अर्थात् :—

सर्वे	नियम 3(क) के आधार पर किए गए निरीक्षण के लिए (परीक्षणानुसार निरीक्षण)	नियम 3(ख) के आधार पर किए गए निरीक्षण के लिए (प्रक्रिया के दौरान क्वालिटी नियंत्रण प्रणाली)
	(प्रति कि. ग्राम या उसके भाग के लिए, पैसे)	(प्रति कि. ग्राम या उसके भाग के लिए, पैसे)
1	2	3
		4

(1)	(2)	(3)	(4)
(1) काजू की गिरियों के सभी ग्रेड (भुनी हुई और नमक लगी हुई काजू की गिरियों से भिन्न)		35	18
(2) भुनी हुई और नमक लगी हुई काजू की गिरियाँ		51	26

"टिप्पण :—निर्यातकर्ता द्वारा प्रत्येक परीक्षण के लिए सदस्य निरीक्षण फीस की रकम निकटतम रूप में पूर्णांकित की जाएगी और इस प्रयोजन के लिए जहाँ ऐसी रकम में पसों के रूप में रुपए का भाग है वहाँ यदि ऐसा भाग 50 पैसे या उससे अधिक है, वहाँ उसे एक रुपए तक बढ़ा दिया जाएगा और यदि ऐसा भाग 50 पैसे से कम है तो उसे गिनती में नहीं लिया जाएगा।"

[का.प्र. सं. 6(25)/86-ई.आई.ए.ए.ए.के. चौधरी, निदेशक]

पाठ टिप्पण :—मूल नियम का.प्र. 783 तारीख 1-3-1986 द्वारा प्रकाशित किए गए थे और का.प्र. 905(प्र), 1986 और का.प्र. 682, 1988 द्वारा संशोधित किए गए थे।

S.O. 529.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules to amend the Export of Cashew Kernels (Quality and Inspection) Rules, 1986, namely :—

1. (1) These rules may be called the Export of Cashew Kernels (Quality Control and Inspection) Amendment Rules, 1989.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Cashew Kernels (Quality Control and Inspection) Rules, 1986 for rule 4, the following rule shall be substituted, namely :—

"4. Inspection fee.—Subject to a minimum of Rs. 30 for each consignment a fee at the following rates shall be paid by the exporter to the Agency as inspection fee, namely :—

Items	For inspection carried out on the basis of rule 3(a) (Consignmentwise Inspection)	For inspection carried out on the basis of rule 3(b) (In-process Quality Control System)	
	(Paise per Kg. or part thereof)	(Paise Per Kg. or part thereof)	
1	2	3	4
1) All grades of Cashew kernels (Other than Roasted and Salted Cashew kernels)	35		18
2) Roasted and Salted Cashew kernels	51		26''

"Note :—The amount of inspection fee for each consignment payable by the exporter shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more,

it shall be increased to one rupee and if such part is less than fifty paise, it shall be ignored."

[F. No. 6(25)/86-EI&E]

A. K. CHAUDHURI, Director

Foot note : Principal rules were published vide S.O. 783 dated 1-3-86 and amended by S.O. 905(E) of 1986, S.O. 682 of 1988.

(मुख्य निर्यातक आयात-निर्यात का कार्यालय)

नई दिल्ली, 18 जनवरी, 1989

आदेश

का. आ. 530 --मैसर्स कम्प्यूटर डिवाइसेस, ए/27, नन्दियोट इंडस्ट्रियल एस्टेट, सफेद पुल, अंधेरी कुर्ला रोड, बम्बई-400072 को जी. सी. ए. के अधीन संलग्न सूची के अनुसार लोह स्टील मदों का आयात करने के लिए 8,87,150/- रुपये (पाँच लाख सत्तासी हजार एक सौ पचास रुपये मात्र) का एक आयात लाइसेंस संख्या पी/एस/2001016 दिनांक 1-12-87 प्रदान किया गया था।

2. फर्म ने ऊपर उल्लिखित लाइसेंस की सीमाशुल्क और मुद्रा विनिमय प्रयोजन प्रतियों को अनुलिपि प्रतियाँ जारी करने के लिए इस आधार पर आवेदन किया है कि मूल आयात लाइसेंस खो गया है/अस्थानस्थ हो गया है। भाग यह भी बताया गया है कि आयात लाइसेंस बम्बई सीमाशुल्क प्राधिकारी के पास पंजीकृत था और सीमाशुल्क प्रयोजन प्रति में से केवल 1,95,999/- रुपये का उपयोग किया गया है।

3. अपने तर्कों के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक, ग्रेटर बम्बई के समक्ष विधिवत् शपथ लेकर एक शपथपत्र दाखिल किया है। तबनुसार, मैं संतुष्ट हूँ कि फर्म से मूल आयात लाइसेंस सं. पी./एस/2001016 दिनांक 1-12-87 खो गया है या अस्थानस्थ हो गया है। यथसंशोधित आयात (निर्यात) आदेश, 1955 दिनांक 7-12-1955 की उप-धारा 9(ब) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मैसर्स कम्प्यूटर डिवाइसेस, बम्बई को जारी किया गया पूर्वोक्त मूल आयात लाइसेंस सं. पी/एस/2001016 दिनांक 1-12-87 को एतद्वारा रद्द किया जाता है।

4. पूर्वोक्त लाइसेंस की सीमाशुल्क और विनिमय निर्यात प्रयोजन प्रतियों को अनुलिपि प्रतियाँ पार्टी को भ्रम से जारी की जा रही हैं।

[सं. सूची/एन एस-7/754--एस एस आई/ए एम 88/एस एल एस]

से. कुजूर, उपमुख्य निर्यातक आयात-निर्यात
हुते मुख्य निर्यातक आयात-निर्यात

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS
AND EXPORTS

New Delhi, the 18th January, 1989

ORDER

S.O. 530.—M/s. Computer Devices, A/27, Nandiyot Industrial Estate, Safed Pool, Andheri Kurla Road, Bombay-72 were granted an import licence No. P/S/2001016 dated 1-12-87 for Rs. 5,87,150 (Rupees Five lakhs eighty seven thousand one hundred and fifty only) for import of Iron Steel items as per list attached under G.C.A.

2. The firm has applied for issue of Duplicate Customs and Exchange Purposes Copies of the above mentioned licence on the ground that the original import licence has been lost or misplaced. It has further been stated that the import licence was registered with Bombay Customs Authority and as such the value of Customs Purpose copy has been utilised for Rs. 1,95,999 only.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Greater Bombay. I am accordingly satisfied that the original import licence No. P/S/2001016 dated 1-12-87 have been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(d) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original import licence No. P/S/2001016 dated 1-12-87 issued to M/s. Computer Devices, Bombay is hereby cancelled.

4. Duplicate Customs and Exchange Control Purposes copies of the said licence is being issued to the party separately.

[No. Suppl/NS-7/754/SSI/AM-88/SLS]

S. KUJUR, Dy. Chief Controller of
Imports & Exports
for Chief Controller of Imports & Exports

संयुक्त मुख्य निर्यातक आयात-निर्यात का कार्यालय,

(केन्द्रीय लाइसेंसिंग क्षेत्र),

नई दिल्ली, 11 जनवरी, 1989

निर्यात आदेश

का. आ. 531 --मैसर्स स्टोन प्लैट इलेक्ट्रिकल (इंडिया) लि., 16-टारटोल रोड, कलकत्ता को ब्रेक गियर कम्पोनेन्ट, एयर ब्रेक डायरेक्ट रिलीज ए बी एस डी, कन्ट्रोल वाल्व तथा अन्य मदों संलग्न सूची के अनुसार के आयात के लिए 13422337/- रुपये के बीमा भाड़ा मूल्य का एक अधिम लाइसेंस सं. पी/एस/2858968 दिनांक 4-9-78 तथा डी ई सी बुक सं./000228(कलकत्ता) दिनांक 27-1-79 प्रदान किया था।

फर्म ने सूचना दी है कि डी ई सी बुक सं. 000228 (कलकत्ता) दिनांक 27-1-79 कलकत्ता सीमा शुल्क के पास पंजीकरण के बाद कहीं अस्थानस्थ हो गयी है/खो गयी है। उस डी ई सी से आयात-निर्यात पहले ही पूरे हो चके है। फर्म ने उपर्युक्त विवरण के समर्थन में प्रक्रिया पुस्तक 88--91 के पैरा 89--93 में प्रापेक्षित अनुसार एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि मूल डी ई सी (कलकत्ता) अस्थानस्थ हो गयी है।

अद्यतन रूप से यथा संशोधित आयुक्त (निर्यात) आदेश, 1955 के भाग 9(डो) के अन्तर्गत मुझे प्रदत्त अधिकारों का प्रयोग करते हुये मैं एतद्वारा ऊपर कही गयी मूल डी ई सी कि को रद्द करने का आदेश देता हूँ।

[का. सं. एड्वांस/आई./यू डी ई एस/24/ए एम-79/ए एल एस-7/सी एल ए/1758]

एस. आर. जीहर, उपमुख्य निर्यातक आयात-निर्यात
हुते संयुक्त मुख्य निर्यातक आयात-निर्यात

OFFICE OF THE JOINT CHIEF CONTROLLER OF
IMPORTS & EXPORTS (CENTRAL LICENSING AREA)

New Delhi, the 11th January, 1989

CANCELLATION ORDER

S.O. 531.—M/s. Stone Platt Electrical (India) Ltd., 16, Taratoll Road, Calcutta was granted an Advance Licence No. P/L 2858968 dt. 4-9-78 and DEEC Book No. 000228 (CAL) dt. 27-1-79 for import of Break Gear component, Air Brake direct release ABSD, Control valve and other items as per list attached for CIF value of Rs. 13422337.

The firm have reported that DEEC Book No. 000228 (CAL) dt. 27-1-79 has been misplaced/lost after having been registered with Calcutta customs. Both Imports & Exports already completed under the DEEC and the firm have filed an affidavit in support of the above statement as required under paras 89-93 of Hand Book of Imports Exports Procedure 88-92. I am satisfied that the original DEEC (CAL) has been misplaced.

In exercise of the power conferred on me under section 9(d) of the Import (Control) Order, 1955 dt. 7-12-55 as amended upto date, I hereby order cancellation of the said original DEEC Book.

[F. No. ADV/LIC/UDS/24/AM.79/ALS.III/CLA-1759]

S. R. JOHAR, Dy. Chief Controller of Imports & Exports

For Jt. Chief Controller of Imports & Exports

विदेश मंत्रालय

नई दिल्ली, 24 जनवरी, 1989

का. प्रा. 532—राजनयिक कौंसलर अधिकारी (शपथ एवं शल्क) अधिनियम, 1949 (1948 का 41वां), की धारा 2 के खण्ड (क) के अनुसरण में केन्द्रीय सरकार एतद् द्वारा भारत का प्रधान कौंसलावास जंजीबार में सहायक श्री आर. चट्टोपाध्याय की 14-6-1988 से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करता है।

[टि. 4330/1/88]

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 24th January, 1989

S.O. 532.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri R. Chattopadhyay in the CG/1 Zanzibar to perform the duties of Consular Agent with effect from 14-6-88.

[T.4330/1/88]

नई दिल्ली, 30 जनवरी, 1989

का. प्रा. 533.—राजनयिक कौंसलर अधिकारी (शपथ एवं शल्क) अधिनियम, 1948 (1948 का 41वां), की धारा 2 के खण्ड (क) के अनुसरण में केन्द्रीय सरकार एतद् द्वारा भारत का प्रधान कौंसलावास कराची में सहायक श्री आर. एन. सरन और श्री ए. जी. शिंदे को 10-1-1989 से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करता है।

[टि. 4330/1/89]

जॉ. जगन्नाथन, उप सचिव
(कौंसली)

New Delhi, the 30th January, 1989

S.O. 533.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officer (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise S/Sh. R. N. Saran and A. G. Shinde in the C.G.I., Karachi to perform the duties of Consular Agent with effect from 10-1-89.

G. JAGANNATHAN, Dy. Secy. (Consular)

[T. 43309/1/89]

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 फरवरी, 1989

का. प्रा. 534—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 467 तारीख 1-2-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना भाग्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद् द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस प्रायोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

गोधर से धुवारण तक पाइप लाईन बिछाने के लिए।

राज्य - गुजरात जिला - भरूच तालुका - ग्रामोद

गांव	ब्लॉक नं.	हेक्टेयर	प्रार.	सेप्टीमर
देणवा	755	0	00	90
	756	0	12	32
	757	0	29	41
	758	0	16	80
	759	0	14	10

[सं. ओ. - 11027/31/88 - ओ एन जी सी - III]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th February, 1989

S.O. 534.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 467 dated 1-2-88 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM GANDHAR TO DHUVARAN

State : Gujarat District : Bharuch Taluka : Amod

Village	Block No.	Hect.	Are	Centiare
Denva	755	0	00	90
	756	0	12	32
	757	0	29	41
	758	0	16	80
	759	0	14	10

[No. O-11027/19/89-ONGD III]

का. प्रा. 535—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में यह आवश्यक है कि गुजरात राज्य में नाडा-1 से गंधार-10 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनियमितः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

नाडा-1 से गंधार-10 तक पाइप लाइन बिछाने के लिए।

राज्य - गुजरात जिला - भरुच तालुका - जंबुसर

गांव	ब्लाक नं.	हेक्टेयर	आरे.	सेन्टीयर
कपुरीप्रा	217	0	42	75
	216	0	36	75
	213	0	47	25
	214	0	13	65

[सं. ओ - 11027/19/89 - ओएनजीडी - III]

S.O. 535—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NADA-1 GANDHAR-10 in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying start pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Nada-1 to Gandhar-10

State : Gujarat Dist. : Bharuch Taluka : Jambusar

Village	Block No.	Hect.	Are	Centiare
Kapuria	217	0	42	75
	216	0	36	75
	213	0	47	25
	214	0	13	65

[No. O-11027/19/89-ONGD-III]

का. प्रा. 536—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में यह आवश्यक है कि गुजरात राज्य में नाडा-1 से गंधार-10 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनियमितः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

नाडा - 1 से गंधार - 10 तक पाइप लाइन बिछाने के लिए।

राज्य - गुजरात जिला - भरुच तालुका - जंबुसर

गांव	ब्लाक नं.	हेक्टेयर	आरे.	सेन्टीयर
1	2	3	4	5
ईस्लामपुर	335	0	04	60
	333	0	19	50
	332	0	14	15
	329	0	33	00
	362	0	12	30
	361	0	12	30
	360	0	06	25

1	2	3	4	5
	359	0	04	05
	358	0	08	70
	355	0	10	35
	412	1	80	70
	429	0	10	00
	430	0	02	10
	418	0	18	75

[म. ओ - 11027/20/89 - ओ एन जी डी - III]

O. 536.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NADA-1 to GANDHARA-10 in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Nada-1 to Gandhar-10

State: Gujarat District : Bharuch Taluka : Jambusar

Village	Block No.	Hect.	Arc	Cent.
Ishalampur	335	0	04	60
	333	0	19	50
	332	0	14	15
	329	0	33	00
	362	0	12	30
	361	0	12	30
	360	0	06	25
	359	0	04	05
	358	0	08	70
	355	0	10	35
	412	1	80	70
	429	0	10	00
	430	0	02	10
	418	0	18	75

[No. O-11027/20/89-ONGD-III]

का. आ. 537.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में गुधार से धुवरान तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदपात्र अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सहम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

गुधार से धुवरान तक पाइप लाइन बिछाने के लिए।

राज्य - गुजरात जिला - खेडा तालुका - बोरसद

गांव	सर्वे नं.	हेक्टेयर	आरे.	सेण्टीयर
गाजना	353	0	01	98
	354	0	01	30
	355	0	01	00

[मं. ओ - 11027/16/89 - ओ एन जी डी - III]

S.O. 537.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GANDHAR to DHUVRAN in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Gandhar to Dhuvran

State : Gujarat District : Kheda Taluka : Borsad

Village	Survey No.	Hect.	Arc	Cent.
Gajana	353	0	01	98
	354	0	01	30
	355	0	01	00

[No. O-11027/16/89-ONGD-III]

का. भा. 538.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में यह आवश्यक है कि गुजरात राज्य में नाडा - 1 से गंधार - 10 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अथ पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवन्त कोई व्यक्ति, उस भूमि के मीचे पाइप लाइन बिछाने के लिए आशेष सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मुतवाही व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

नाडा - 1 से गंधार - 10 तक पाइप लाइन बिछाने के लिए।

राज्य - गुजरात जिला - मरुच तालुका - जंबुसर

गाँव	ब्लॉक नं.	हेक्टेयर आरे.	सेन्टीयर	
1	2	3	4	5
आमरसा	726	2	42	85
	72	0	31	50
	73	0	22	50
	60	0	02	00
	59	0	01	20
	58	0	00	75
	57	0	01	20
	56	0	00	75
	55	0	01	00
	54	0	05	25
	53	0	01	00
	52	0	00	20
	51	0	00	80
	50	0	01	30
	49	0	01	30
	48	0	02	25
	45	0	04	80
	44	0	05	55
	43	0	07	50
	42	0	06	00
	38	0	13	45
	39	0	01	85

1	2	3	4	5
	37	0	22	05
	182	0	21	00
	186	0	16	00
	194	0	01	50
	188/पी	0	07	75
	193	0	08	55
	192/पी	0	15	15
	246	0	25	50
	263	0	22	50
	287	0	07	75
	286	0	20	00
	285	0	10	50
	288	0	21	75
	289	0	02	00

[गं. ओ. - 11027/18/89 - ओ एन जी डी-III]

S.O. 538.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NADA-1 to GANDHAR-10 in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from NADA-1 to Gandhar-10

State: Gujarat District : Bharuch Taluka : Jambusar.

Village	Block No.	Hect.	Are	Cent.
1	2	3	4	5
Asharasha	726	2	42	85
	72	0	31	50
	73	0	22	50
	60	0	02	00
	59	0	01	20
	58	0	00	75
	57	0	01	20
	56	0	00	75
	55	0	01	00
	54	0	05	25

1	2	3	4	5
	53	0	01	00
	52	0	00	20
	51	0	00	80
	50	0	01	30
	49	0	01	30
	48	0	02	25
	45	0	04	80
	44	0	05	55
	43	0	07	50
	42	0	06	00
	38	0	13	45
	39	0	01	85
	37	0	22	05
	182	0	21	00
	186	0	16	00
	194	0	01	50
	188/P	0	07	75
	193	0	08	55
	192/P	0	15	15
	246	0	25	50
	263	0	22	50
	287	0	07	75
	286	0	20	00
	285	0	10	50
	288	0	21	75
	289	0	02	00

[No. O-11027/18/89-ONGD-III]

का.आ. 539.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में गंधार से धुवारन तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपायधन अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अर्थात् कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह साबुता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

गंधार से धुवारन तक पाइप लाइन बिछाने के लिए

राज्य - गुजरात जिला - खेडा तालुका - बोरसाद

1	2	3	4	5
सरोल	547	0	09	00
	546	0	00	70
	545	0	00	25

[सं. ओ - 11027/17/89 - ओ एन जी डी -III]

के. विवेकानन्द, ईस्क अधिकारी

S.O. 539.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GANDHAR to DHUVARAN in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra (390009);

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Gandhar to Dhuvaran

State : Gujarat Dist : Kheda Taluka : Borsad

Village	Survey No.	Hect.	Are	Cent.
Sarol	547	0	09	00
	546	0	00	70
	545	0	00	25

[No. O-11027/17/89-ONGD-III]

K. VIVEKANAND, Desk Officer

छाद्य एवं नागरिक पूर्ति संचालय

(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 23 जनवरी, 1989

का. प्रा. 540.—भारत के गजपत्र, भाग 2, खंड 3, उपखंड (ii), दिनांक 1984-08-11 में प्रकाशित छाद्य एवं नागरिक पूर्ति (संचालय, नागरिक पूर्ति विभाग) (भारतीय मानक ब्यूरो) की अधिसूचना संख्या का. प्रा. 2576 दिनांक 1984-07-11 का आंशिक संशोधन करने हुए भारतीय मानक ब्यूरो पत्रद्वारा अधिसूचित करता है कि बिजली की एक फेजी छोटी ऐसी और साविक मोटरों की प्रति इकाई मुहरांकन फीस, जिसका विवरण नीचे अनुसूची में दिया गया है, संशोधित कर दी गई है। मुहरांकन फीस की संशोधित दर 1988-10-01 से लागू होगी।

अनुसूची

क्र.सं.	उत्पाद/उत्पाद श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस
(1)	(2)	(3)	(4)	(5)
1.	बिजली की एक फेजी छोटी ऐसी और साविक मोटरें IS : 996—1979		एक मोटर	(1) 1.00 रु. प्रति इकाई, पहली 6000 इकाइयों के लिए, (2) 50 पैसे प्रति इकाई, 6001वीं इकाई और उससे अधिक इकाइयों के लिए

[संख्या सी एम की/13:10]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Deptt. of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 23rd January, 1989

S.O. 540:—In partial modification of the Ministry of Food and Civil Supplies (Deptt. of Civil Supplies (Bureau of Indian Standards) notification number S.O. 2576 dated 1984-07-11 published in the Gazette of India, Part-II, Section-3, Sub-section (i) dated 1984-08-11 the Bureau of Indian Standards hereby, notifies that the marking fee per unit for single phase small AC and universal electric motors details of which are given in the Schedule here to annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1988-10-01:

SCHEDULE

Sl. No.	Product/Class of Product	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1.	Single Phase Small ac and Universal Electric Motors	IS : 996—1979	One Motor	(i) Re. 1.00 per unit for the first 6000 units; (ii) 50 paise per unit for the 6001st unit and above

[No. CMD/13 : 10]

का. प्रा. 541.—भारतीय मानक ब्यूरो विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित किया जाता है कि बाब संवेदनशील आसंजक टेप की प्रति इकाई मुहर लगाने की फीस जिसका विवरण नीचे अनुसूची में दिया गया है, निर्धारित कर दी गई है और यह फीस 1987-08-01 से लागू होगी।

अनुसूची

क्र.सं.	उत्पाद/उत्पाद की श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहर लगाने की फीस
(1)	(2)	(3)	(4)	(5)
1.	विद्युतीय प्रयोजनों के लिए बाब संवेदनशील आसंजक टेप	IS : 7809 (भाग 3 खंड 1) 1977	100 रोल	(1) 50 पैसे प्रति इकाई, पहली 5000 इकाइयों के लिए, और (2) 30 पैसे प्रति इकाई, 5001वीं इकाई और उससे अधिक इकाइयों के लिए।

[संख्या सीएमडी/13:10]

S.O. 541.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the marking fee per unit for pressure sensitive adhesives tapes details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1987-08-01.

SCHEDULE

Sl. Product/Class of Product No.	No. and Year of Relevant Indian Standard	Unit	Marking fee per unit
(1)	(2)	(3)	(5)
1. Pressure sensitive adhesive tapes for electrical purposes	IS : 7809 (Part III/Sec 1)—1977	100 Rolls	(i) 50 Paise per unit for the first 5000 units; and (ii) 30 Paise per unit for the 5001st unit and above.

[No. CMD/13 : 10]

क्र. प्रा. 542.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (iii), दिनांक 1984-08-11 में प्रकाशित खाद्य एवं नागरिक पूर्ति मंत्रालय, (नागरिक पूर्ति विभाग) (मानकीय मानक ब्यूरो) की अधिसूचना संख्या का प्रा 2576 दिनांक 1984-07-11 का आंशिक संशोधन करते हुए भारतीय मानक ब्यूरो द्वारा अधिसूचित करता है कि सादा बुनी सूती बनियानों की प्रति इकाई मुद्रांकन फीस जिसका विवरण नीचे अनुसूची में दिया गया है, संशोधित कर दी गई है। मुद्रांकन फीस की संशोधित दर 1988-09-01 से लागू होगी :

अनुसूची

क्र. सं.	उत्पाद/उत्पाद श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुद्रांकन फीस
(1)	(2)	(3)	(4)	(5)
1.	सादा बुनी सूती बनियानें	IS : 4964—1980	100 बनियानें	(1) 3.00 रु. प्रति इकाई, पहली 2000 इकाइयों के लिए ; (2) 2.00 रु. प्रति इकाई, 2001वीं इकाई और उससे अधिक इकाइयों के लिए।

[संख्या सीएमडी/13 : 10]

S.O. 542. — In partial modification of the Ministry of Food and Civil Supplies (Deptt. of Civil Supplies) (Bureau of Indian Standards) notification number S. O. 2576 dated 1984-07-11 published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated 1984-08-11 the Bureau of Indian Standards hereby, notifies that the marking fee per unit for plain knitted cotton vests details of which are given in the Schedule here to annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1988-09-01 :

SCHEDULE


Sl. Product/Class of Product No.	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(5)
1. Plain Knitted Cotton Vests	IS : 4964—1980	100 Vests	(i) Rs 3.00 per unit for the first 2000 units; (ii) Rs. 2.00 per unit for the 2001st unit and above.

[No. CMD/13 : 10]

का. भा. 543.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस मानक मुहर का डिजाइन, उसके शाब्दिक विवरण और संबंध भारतीय मानक की संख्या और वर्ष सहित नीचे अनुसूची में दिया गया है वह निर्धारित कर दिया गया है।

भारतीय मानक ब्यूरो अधिनियम 1986 और उसके अधीन बने नियमों तथा विनियमों के प्रयोजन के लिए यह मानक मुहर 1987-08-01 से लागू होगी।

अनुसूची

क्र.सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	संबंध भारतीय मानक मानक मुहर के डिजाइन का शाब्दिक विवरण की संख्या और वर्ष
1.		विद्युत प्रयोजनों के लिए वायु संवेदनशील आसंजक टेपों की विशिष्टि	IS: 7809 (भाग 3/खंड 1)—1977 स्तम्भ (2) में दिखाई गई निश्चित शैली और परस्पर संबंध अनुपात में बनाया गया "ISI" अक्षरयुक्त भारतीय मानक ब्यूरो का मोनोग्राम, जिसमें भारतीय मानक की संख्या डिजाइन में दिखाए अनुसार मोनोग्राम के ऊपर और संबंध भाग/खंड की संख्या मोनोग्राम के नीचे अंकित हो।


[संख्या सीएमडी/13: 9]

कि. रा. परमेश्वर, सहायनिदेशक

S.O. 543 :—In pursuance of sub-rule (1) of the rule 9 of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby, notifies that the Standard Mark, design of which together with the description of the design and the number and year of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Bureau of Indian Standards Act, 1986 and the Rules and Regulations framed thereunder, shall come into force with effect from 1987-08-01 :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and year of the Relevant Indian Standard	Description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.		Pressure sensitive adhesive tapes for electrical purposes	IS : 7809 (Part III/Sec. 1)—1977	The monogram of the Bureau of Indian Standards, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side and the relevant Part/Sec. being subscribed under the bottom side of the monogram as indicated in the design.

[No. CMD/13 : 9]

K.R. PARAMESVAR, Director General

कृषि मंत्रालय

(कृषि और सहकारिता विभाग)

नई दिल्ली, 16 जनवरी, 1989

का.आ. 544 :—बहुराज्य सहकारी सोसाइटी (रजिस्ट्रीकरण, महायता, निवेश और प्रबंध, विवादों का निपटारा, अपील और पुनरीक्षण) नियम, 1985 के नियम 35 के अनुसरण में ओर 19 नवंबर, 1985 को समसंख्यक अधिसूचना का अधिकरण करते हुए केन्द्रीय सरकार राष्ट्रीय सहकारिता सोसाइटी चयन समिति का गठन करती है, जिसमें निम्नलिखित व्यक्ति होंगे :—

- (1) सचिव,
भारत सरकार,
कृषि और सहकारिता विभाग —प्रध्यक्ष
- (2) अपर सचिव,
भारत सरकार,
कृषि और सहकारिता विभाग
और सहकारिता का भारमावक हो —सदस्य
- (3) श्री कमालुद्दीन अहमद,
अध्यक्ष,
भारतीय राष्ट्रीय कृषि सहकारी
विकास संघ लिमिटेड (नेपोड) —सदस्य
- (4) श्री एस. एम. मिसौविया,
अध्यक्ष,
शहरी सहकारी बैंक तथा ऋण
समितियों का राष्ट्रीय संघ, नई दिल्ली —सदस्य
- (5) ओ. बी. एल. महेश्वरी,
निदेशक,
संगठन विकास केंद्र, नगीना रोड नं. 9
बंजारा हिल्स, हैदराबाद-500034
- (6) प्रबंध निदेशक,
राष्ट्रीय सहकारिता विकास निगम,
नई दिल्ली सदस्य
- (7) सहकारी सोसाइटियों का
केन्द्रीय रजिस्ट्रार

[स. एम. 11012/4/85-ए. एण्ड एम.]
जे. एन. एल. श्रीवास्तव, संयुक्त सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture & Cooperation)

New Delhi, the 16th January, 1989

S.O. 544—In pursuance of Rule 35 of the Multistate Co-operative Societies (Registration, Membership, Direction and Management, Settlement of Disputes, Appeals and Revision) Rules, 1985 and in supersession of this Ministry's Notification of even number dated the 16th January, 1987, the Central Government hereby constitutes the National Cooperative Societies Selection Committee consisting of the following persons:

1. Secretary to the Government of India,
Department of Agricultural & Cooperation—Chairman
2. Additional Secretary to the Government
of India,
Department of Agriculture and
Cooperation dealing with Cooperation—Member.

3. Shri Kamaluddin Ahmed,
Chairman,
National Agricultural Cooperative
Marketing Federation of India Ltd.
(NAFED), New Delhi. —Member.
 4. Shri S. S. Sisodia,
President,
National Federation of Urban,
Cooperative Banks & Credit Societies,
New Delhi —Member.
 5. Shri B.L. Maheshwari,
Director,
Centre for Organisation Development,
'Nagesara',
Road No. 3,
Banjara Hills,
Hyderabad-500034. —Member
 6. Managing Director,
National Co-operative,
Development Corporation,
New Delhi. —Member.
 7. The Central Registrar of
Cooperative Societies. —Member-Secy.
- [No. L-11012/4/85-L&M]
J. N. L. SRIVASTAVA, Jt. Secy.

नई दिल्ली, 3 मार्च, 1989

का.आ. 545 :—केन्द्र सरकार, पशु धूरता निवारण अधिनियम, 1960 (1960 का 59वां) के खंड 5 के उप-खंड (1) और उप-खंड (3) के अनुसरण में, एतद्वारा निम्नलिखित व्यक्तियों को सदस्यों के रूप में रखते हुए और उनके नामों के आगे सदस्यता के स्वरूप को दर्शाते हुए इस अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख में भारतीय पशु कल्याण बोर्ड का पुनर्गठन करती है :—

सदस्य	सदस्यता का स्वरूप
1	2
1. श्री बाई.जी. यादव, वन महानिरीक्षक, पवन, वन तथा पर्यावरण मंत्रालय, नई दिल्ली।	धारा 5(1)(क) के अन्तर्गत।
2. डा. ए.के. बटर्जी, पशु-पालन आयुक्त, कृषि और सहकारिता विभाग, नई दिल्ली।	धारा 5(1)(ख) के अन्तर्गत।
3. गृह मंत्रालय का प्रतिनिधि, नई दिल्ली।	धारा 5(1)(खक) के अन्तर्गत।
4. कुमारी पी. खोसिता, अवर सचिव, मानव संसाधन विकास मंत्रालय, नई दिल्ली।	धारा 5(1)(खक) के अन्तर्गत।
5. श्री एम.वाई. घोरगडे, भारतीय वन्य जीवन बोर्ड के प्रतिनिधि।	धारा 5(1)(खख) के अन्तर्गत।

1	2
6. प्रोफेसर एन.एस. रामारामो, धारा 5(1)(खग) के अन्तर्गत अध्यक्ष, कार्टमैन बंगलौर।	
7. कमाण्डर निराल राज, धारा 5(1)(खग) के अन्तर्गत पशु कृषि निवारण समिति, अमृतसर।	
8. कुमारी एन.जे. दाम सुधा, धारा 5(1)(खग) के अन्तर्गत पद्मश्री, आशीर्वाद रेलवे स्टेशन के तजवीक सोलन (हिमाचल प्रदेश)	
9. डा. सी. कृष्ण राव, धारा 5(1)(ग) के अन्तर्गत पशु चिकित्सक, 10-2-289/39, शान्तिनगर, हैदराबाद।	
10. डा. बी.के. वर्मा निदेशक, धारा 5(1)(घ) के अन्तर्गत (ई.एम.आर.)	
11. श्री बी.एम. शर्मा, धारा 5(1)(घ) के अन्तर्गत प्रबन्ध निदेशक, आई.एम.बी.बी.सी.सी. लिमिटेड अलमोड़ा।	
12. श्री हरनरण सिंह जोषा, धारा 5(1)(ङ) के अन्तर्गत नगर निगम पार्षद, दिल्ली।	
13. डा. एस. चौधरी, धारा 5(1)(ङ) के अन्तर्गत मुख्य चिकित्सा अधिकारी कलकत्ता।	
14. आल नवसें आफ एनिमल धारा 5(1)(च) के अन्तर्गत सोमायटी, कलकत्ता।	
15. सीएमए प्राणी कल्याण मण्डल, धारा 5(1)(च) के अन्तर्गत राजकोट।	
16. फेडरेशन सेका, नई दिल्ली।	धारा 5(1)(च) के अन्तर्गत
17. सलेम पशु कृषि निवारण धारा 5(1)(छ) के अन्तर्गत समिति, सलेम।	
18. देहरादून पशु कृषि निवारण धारा 5(1)(छ) के अन्तर्गत समिति, देहरादून।	
19. बम्बई पशु कृषि निवारण समिति धारा 5(1)(छ) के अन्तर्गत बम्बई।	
20. श्रीमती उषा शर्मा, निवास- धारा 5(1)(ज) के अन्तर्गत मकान संख्या 64-बी, टाटप-2, सैक्टर-4, डी.आई. जैड, एरिया खंगला गाहिव मासे, नई दिल्ली।	
21. श्री साहिब सिंह शाह, धारा 5(1)(ज) के अन्तर्गत ग्राम तथा पोस्ट मुख्या, जिला अमृतसर, पंजाब	
22. श्री धारीलाल कामवार, धारा 5(1)(ज) के अन्तर्गत अहमदाबाद के भूतपूर्व महापौर।	
23. श्री जगन्नाथ प्रसाद, संसद सदस्य धारा 5(1)(झ) के अन्तर्गत (लोक सभा) नई दिल्ली।	
24. श्री जी.बी. गोहि, संसद धारा 5(1)(झ) के अन्तर्गत सदस्य (लोक सभा)	

1	2
25. श्री ए.एस. गाउडर, धारा 5(1)(झ) के अन्तर्गत संसद सदस्य (लोक सभा)	
26. श्री कतूरी नागयणा स्वामी धारा 5(1)(झ) के अन्तर्गत संसद सदस्य (लोक सभा)	
27. श्री एरा गाम्बासिधम, धारा 5(1)(झ) के अन्तर्गत संसद सदस्य (राज्य सभा)	
28. श्रीमती गान्ति पहाड़िया, धारा 5(1)(झ) के अन्तर्गत संसद सदस्य (राज्य सभा)	

और एनद्वारा प्रोफेसर एन.एस. रामारामो, अध्यक्ष, कार्टमैन, बंगलौर की इस बोर्ड का अध्यक्ष तथा श्री जगन्नाथ प्रसाद, संसद सदस्य (लोक सभा) को उपाध्यक्ष मनोनीत करती है।

[सं. 11-13/87-एल.डी.-II]

के. सी. देहरी, उपसचिव

New Delhi, the 3rd March, 1989

S. O. 545 :—In pursuance of sub-section (i) and sub-section (3) of section 5 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby reconstitute the Animal Welfare Board of India consisting of following persons as its members alongwith the nature of membership mentioned against their name, with effect from the date of publication of this notification in the Official Gazette :—

Member	Nature of Membership
1	2
1. Shri Y.G. Yadav, Inspector General of Forests, Ex-Officio, Ministry of Forests & Environment, New Delhi.	Under Section 5(1)(a)
2. Dr. A.K. Chatterjee, Animal Husbandry Commissioner, Deptt. of Agri. & Coopn., New Delhi.	Under section 5(1)(b)
3. Representative of the Ministry of Home Affairs, New Delhi.	Under section 5(1)(ba.)
4. Miss. P. Bolina, Under Secretary, Ministry of Human Resources Development, New Delhi.	Under section 5(1) (ba)
5. Shri M.Y. Ghorpade, Representing Indian Board for Wildlife.	Under section 5(1)(bb)
6. Prof. N.S. Ramaswamy, President, Cartman, Bangalore.	Under section 5(1) (bc)
7. Com. Tilak Raj, S.P.C.A., Amritsar.	Under section 5(1) (bc)

1	2
8. Ms. S.J. Das Gupta, Padmashree, Ashirwad, Near Railway Station, Solani (H.P.).	Under section 5(1)(bc)
9. Dr. C. Krishna Rao, Veterinary Practitioner, 10-2-289/39, Shantinagar, Hyderabad.	Under section 5(1)(c)
10. Dr. B.K. Verma, Director (FMR).	Under section 5(1)(d)
11. Shri V.S. Sharma, Managing Director, IMBBCC Ltd., Almora.	Under section 5(1)(d)
12. Shri Harcharan Singh Josh, Municipal Councillor, Delhi.	Under section 5(1)(e)
13. Dr. S. Choudhury, Chief Medical Health Officer, Calcutta.	Under section 5(1)(e)
14. The All Lovers of Animals Society, Calcutta.	Under section 5(1)(f)
15. Saurashtra Prani Kalyan Mandal, Rajkot,	Under section 5(1)(f)
16. Frigidicoes-Seca, New Delhi.	Under section 5(1)(f)
17. Salem S.P.C.A., Salem,	Under section 5(1)(g)
18. Dehra Dun S.P.C.A., Dehra Dun.	Under section 5(1)(g)
19. Bombay S.P.C.A., Bombay.	Under section 5(1)(g)
20. Shri. Usha Sharma, R/o Flat 64-B. Type-II, Sector-IV, DIZ Area, Bangla Sahib Mary, New Delhi.	Under section 5(1)(h)
21. Shri Sahib Singh Shah, V. & P.O. Muchhal, Distt. Amritsar. Punjab.	Under section 5 (1)(h)
22. Shri Vadilal Kamdar, Ex-Major of Ahmedabad,	Under section 5(1)(h)
23. Shri Jagannath Prasad, Member of Parliament, (Lok Sabha), New Delhi.	Under section 5(1)(i)
24. Shri G.B. Gohil, Member of Parliament, (Lok Sabha). New Delhi.	Under section 5(1)(i)
25. Shri A.S. Gounder, Member of Parliament, (Lok Sabha), New Delhi.	Under section 5(1)(i)
26. Shri Katuri Narayana Swamy, Member of Parliament, (Lok Sabha), New Delhi.	Under section 5(1)(i)

1	2
27. Shri Fra Sambasivam, Member of Parliament, (Rajya Sabha), New Delhi.	Under section 5(1)(i)
28. Shrimati Shanti Pahadia, Member of Parliament, (Rajya Sabha), New Delhi.	Under section 5(1)(i)
and hereby nominate Prof. N. S. Ramaswamy, President, Cartman, Bangalore, to be the Chairman and Shri Jagannath Prasad, Member of Parliament (Lok Sabha), to be the Vice- Chairman of the Board.	

[No. 14-13/87-L.D.I.]

K. C. DEHURY, Dy. Secy.

जल-भूतन परिवहन मंत्रालय

(श्रम प्रभाग)

नई दिल्ली, 31 जनवरी, 1989

का. प्रा. 546.—गोदी श्रमिक (रोजगार का विनियमन) अधि-
नियम, 1948 (1948 का 9) की धारा 6 की उपधारा (1) द्वारा
प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार एतद्वारा मध्यस्थता
अधिकारियों (केंद्रीय) (श्रम सहायक श्रमिक आयुक्त के रूप में पदनामित)
महायुक्त श्रमिक आयुक्तों और श्रमिक इन्फोर्मेशन अधिकारियों की उक्त
अधिनियम के प्रयोजनार्थ उक्त धारणा के कालम (3) में प्रयुक्त प्रविष्टि
में उनके सामने उल्लिखित पक्षों के संबंध में निरीक्षकों के रूप में
नियुक्ति से संबंधित भारत सरकार, श्रम मंत्रालय अथवा श्रम एवं रोजगार
मंत्रालय, जैसा भी मामला हो, की नीचे धारणा में विनिर्दिष्ट अधिसूचनाओं
को रद्द करती है।

जिम्मेदार

का.प्रा.संख्या	अधिसूचना की तारीख	पक्षों का नाम जिन पर अधिसूचना लागू होती है
(1)	(2)	(3)
एस.आर.ओ. संख्या 1327	29 अगस्त, 1951	बंबई
एस.आर.ओ. संख्या 1024	28 मई, 1952	कनकना मद्रास
का.प्रा.संख्या 1371	19 मई, 1960	विशाखापत्तनम कोचीन
का.प्रा.संख्या 3119	27 सितंबर, 1965	मुरगांव
का.प्रा. संख्या 517	10 फरवरी, 1966	बंबई, कनकना, मद्रास, विशाखापत्तनम, कोचीन और मुरगांव
का.प्रा. संख्या 1756	15 मई, 1972	कांडला

[एफ. सं. एन. बी-13022/4/87-एन-1]

वी. जंकरविनम, निदेशक

MINISTRY OF SURFACE TRANSPORT

(Labour Division)

New Delhi, 31st January, 1989

S.O. 546.—In exercise of the powers conferred by sub-
section (1) of section 6 of the Dock Workers (Regulations of
Employment) Act, 1948 (9 of 1948), the Central Government

hereby rescinds the notifications of the Government of India in the Ministry of Labour or the Ministry of Labour and Employment, as the case may be, specified in the Table below relating to the appointment of the Conciliation Officers (Central) (now designated as Assistant Labour Commissioners), the Assistant Labour Commissioners and the Labour Enforcement Officers as Inspectors in respect of the Ports mentioned against them in the corresponding entry in column (3) of the said Table for the purposes of the said Act.

SCHEDULE

S.O. No.	Date of the Notification	Ports to which the Notification is applicable.
(1)	(2)	(3)
S.R.O. No. 1327	29 August, 1951	Bombay
S.R.O. No. 1024	28 May, 1952	Calcutta Madras.
S.O. No. 1371	19 May, 1960	Visakhapatnam Cochin.
S.O. No. 3119	27 September, 1965	Mormugao
S.O. No. 517	10 February, 1966	Bombay, Calcutta, Madras, Visakhapatnam, Cochin and Mormugao
S.O. No. 1756	15 May, 1972	Kandla.

[F.No. LB-13022/4/87-L.IV]

V. SANKARALINGAM, Director

जल संसाधन मंत्रालय

नई दिल्ली, 1 फरवरी, 1989

का. आ. 547 :—अन्तर्राष्ट्रीय जल विवाद अधिनियम, 1956 (1956 का 33) की धारा 13 द्वारा प्रभु अधिकारों का प्रयोग करने हुए, केन्द्रीय सरकार, राज्य सरकारों से परामर्श के बाद अन्तर्राष्ट्रीय जल विवाद नियम 1959 में एनद्द्वारा संशोधन करने हैं, नामजः—

1. संक्षिप्त शीर्षक तथा प्रारंभः (1) इन नियमों को अन्तर्राष्ट्रीय जल विवाद (संशोधन) नियम, 1988 कहा जाए।

(2) यह सरकारी राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।
2. नियम 6 में संशोधनः अन्तर्राष्ट्रीय जल विवाद नियम 1959 के नियम 6 में :—

(क) उन नियम (2) में "और पेंशन समकक्ष" पाठ हटा दिया जाए।

(ख) उन नियम (4) में "3000 रुपए" शब्दों और अंकों के स्थान पर "8000 रुपए" रखा जाएगा।

(ग) उन नियम (5) में :—

(i) "अधिकरण निश्चित कर सकता है" के स्थान पर "निर्धारित किया जा सकता है" पढ़ा जाएगा।

(ii) शब्द और अंक "3000 रुपए" के स्थान पर "8000 रुपए" रखा जाएगा।

(घ) उन नियम (6) के स्थान पर निम्नलिखित को रखा जाएगा नामजः
अधिकृत आधार पर मृत्योक्तकर्ता के रूप में नियुक्त व्यक्ति (बाद सेवानिवृत्त सरकारी कर्मचारी हो अथवा गैर सरकारी) को अधिकरण के कार्य पर खर्च किए गए वास्तविक दिनों के लिए वैधित प्राप्त होने पर ऐसा परिश्रमिक दिया जाएगा जैसा कि उनके स्तर, अनुभव और अर्हताओं को ध्यान में रखते हुए निर्धारित किया जाए।

[काहल सं. 15(2)/85-आई टी]

ग. मन्त्र, उ. सचिव

MINISTRY OF WATER RESOURCES

New Delhi, the 1st February, 1989

S.O. 547.—In exercise of the powers conferred by Section 13 of the Inter-State Water Disputes Act, 1956 (33 of 1956), the Central Government, after consultation with the State Government, hereby amends the Inter-State Water Disputes Rules, 1959, namely :—

1. Short title and commencement.—(1) These rules may be called the Inter-State Water Disputes (Amendment) Rules, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Amendment of rule 6.—In rule 6 of the Inter-State Water Disputes Rules, 1959,—

(a) in sub-rule (2) the word "and pension equivalent" shall be deleted.

(b) in sub-rule (4), for the word and the figure "Rs. 3,000" the word and the figure "Rs. 8,000" shall be substituted.

(c) in sub-rule (5),—

(i) for the words "the Tribunal may fix" the words "may be determined" shall be substituted ;

(ii) for the word and figure "Rs. 3,000" the word and the figure "Rs. 8,000" shall be substituted.

(d) for sub-rule (6) the following shall be substituted namely :—

"A person appointed as an Assessor on part-time basis (whether a retired Government servant or a non-official) shall be paid such remuneration on a daily basis for the actual days spent on the Tribunal's work as may be determined keeping in view his status, experience and qualifications."

[File No. 15(2)/85-IT]

A. SEKHAR, Dy. Secy.

संचार मंत्रालय

(दूर-संचार बोर्ड)

नई दिल्ली, 6 मार्च, 1989

का.आ. 548—यलः भारतीय तार नियमावली, 1951 के नियम 434(तीन)(2-सी) की अपेक्षा के अनुसार देहरादून और क्लीमेंट टाउन टेलीफोन एक्सचेंज प्रणालियों के स्थानीय क्षेत्र में संशोधन करने के लिए, देहरादून और क्लीमेंट टाउन प्रचलित समाचार पत्रों में एक सार्वजनिक सूचना प्रकाशित की गई थी जिसमें हमसे प्रभावित होने वाले सभी व्यक्तियों से, समाचार पत्रों में सूचना के प्रकाशन की तारीख से 30 दिन की अवधि के भीतर आपत्तियां तथा सुझाव आमंत्रित किए गए थे;

और यलः उल्लिखित सूचना जनता को 18-9-1989 के 'द हक' 'नेशनल हेराल्ड' और 'विश्व-मानव' 20-9-1988 के 'दि हिन्दुस्तान टाइम्स' 'हिमाचल टाइम्स' (हिली और ग्रेंजो) और 'दुन दांग' तथा 21-9-88 के "जन नहर" समाचार पत्रों में उपलब्ध कराई गई थी।

और यलः उपर्युक्त सूचना पर जनता से कोई आपत्तियां और सुझाव प्राप्त नहीं हुए हैं। अतः अब, उपर्युक्त नियमावली के नियम 434(तीन)(2-सी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दूरसंचार के महा-निदेशक एनद्द्वारा घोषणा करते हैं कि दिनांक 18-3-1989 से देहरादून टेलीफोन प्रणाली और क्लीमेंट टाउन टेलीफोन प्रणाली का संशोधित स्थानीय क्षेत्र सीधे लिखे अनुसार होगा :

1. देहरादून टेलीफोन एक्सचेंज प्रणाली : देहरादून टेलीफोन प्रणाली के स्थानीय क्षेत्र में देहरादून नगर पालिका और देहरादून छावनी बोर्ड के अधिकार क्षेत्र के अधीन आने वाला क्षेत्र शामिल होगा।

बर्तन कि देहरादून नगर पालिका और देहरादून छावनी बोर्ड की सीमाओं से बाहर रहने वाले टेलीफोन उपभोक्ता, जिन्हें देहरादून टेलीफोन एक्सचेंज प्रणाली में सेवाएं सुलभ की जा रही हैं, स्थानीय शुल्क का भुगतान जब तक करते रहेंगे जब तक वे इस प्रणाली के किसी भी एक्सचेंज की पांच कि.मी. की सीमा के भीतर रह रहे हैं और इससे जुड़े हुए हैं; और

बर्तन यह भी कि यह सीमा देहरादून नगर पालिका की दक्षिणी सीमा तक और क्वीमेंट टाऊन एक्सचेंज से दक्षिण-पश्चिम में 5 कि.मी. के अर्धवृत्त तक सीमित होगी।

2. क्वीमेंट टाऊन टेलीफोन एक्सचेंज प्रणाली : क्वीमेंट टाऊन टेलीफोन के स्थानीय क्षेत्र में क्वीमेंट टाऊन टेलीफोन एक्सचेंज से 5 कि.मी. की अर्धवृत्त के भीतर आने वाला क्षेत्र शामिल होगा।

बर्तन कि यह सीमा उत्तर और उत्तर-पूर्व में देहरादून नगर पालिका की सीमा तक ही रहेगी।

[संख्या 3-7/85-पीएचबी]

प्रदीप कुमार, निदेशक फोन (ड)

MINISTRY OF COMMUNICATIONS

(Telecommunication Board)

New Delhi, the 6th March, 1989

S.O. 548.—Whereas a public notice for revising the local area of Dehradun and Clement Town Telephone Exchange Systems was published as required by rule 434(III)(2C) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Dehradun and Clement Town, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 18th September, 1988 in 'The Hawk', National Herald and 'Vishva Manav', on 20th September, 1988 in 'The Hindustan Times', 'Himachal Times' (Hindi & English) and 'Doon Darpan' and on 21st September, 1988 in 'Jan Lahar' Newspaper;

And whereas no objections and suggestions have been received from the public on the said notice;

Now, therefore, in exercise of the power conferred by rule 434(III)(2C) of the said Rules, the Director General, Telecommunications hereby declares that with effect from 18th March, 1989 the revised local area of Dehradun Telephone System and Clement Town Telephone System shall be as under:

1. Dehradun Telephone Exchange System.—The local area of Dehradun Telephone System shall cover an area falling under the jurisdiction of Dehradun Municipality and Dehradun Cantonment Board.

Provided that the telephone subscribers located outside the Dehradun Municipality and Dehradun Cantonment Board limits but who are served from Dehradun Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 kms. of any exchange of this system and remain connected to it;

Provided further that this limit shall be restricted upto Dehradun Municipal boundary in the South and 5 kms. radius circle from Clement Town Exchange in the South-West.

538 G1/89—4.

2. Clement Town Telephone Exchange System.—The local area of Clement Town Telephone System shall cover an area falling within 5 kms. radial distance from Clement Town Telephone Exchange;

Provided that this limit shall be restricted to Dehradun Municipal Boundary in the North and North-East.

[No. 3-7/85-PHB]

PRADEEP KUMAR, Director Phones (E)

अभ्यन्तर

नई दिल्ली, 30 जनवरी, 1989

का. आ. 549.—कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 की धारा 17 की उप धारा (4) के खंड (क) द्वारा प्रदान शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारत के राजपत्र, भाग-II खंड 3(ii) दिनांक 24-10-1987 में प्रकाशित अधिसूचना का. आ. संख्या 2941 दिनांक 24-10-87 के तहत कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 की धारा 17 की उप धारा (i) के खंड (क) के अधीन सैमर्स सऊदी अरबिया एयरलाइंस, बंबई को प्रदान की गई छूट को रद्द करती है।

[सं. एम-35012/23/87-एम.एस. II]

MINISTRY OF LABOUR

New Delhi, the 30th January, 1989

S.O. 549.—In exercise of the powers conferred by Clause (a) of Sub-section (4) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Central Government hereby rescinds the exemption granted to M/s. Saudi Arabia Airlines, Bombay under Clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 vide Notification S.O. 2941 dated the 24-10-1987 published in the Gazette of India, Part-II, Section 3(ii) dated 24-10-1987.

[No. S-35012(23)/87-SS-II]

नई दिल्ली, 31 जनवरी, 1989

का. आ. 550.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप धारा (3) द्वारा प्रदान शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 15-2-89 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उप धारा (i) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध उड़ीसा राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

“जिला गंजम की तहसील धामका में राजस्व ग्राम कुमबारी, मगुरा बरागम और खंभेवरी पटना के अंतर्गत आने वाले क्षेत्र”

[संख्या एम-38013/1/89-एम.एस-1]

New Delhi, the 31st January, 1989

S.O. 550.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 15th February, 1989 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of

the said Act shall come into force in the following areas in the State of Orissa namely :

"The areas comprising of the revenue villages of Kumbhari, Magura, Baragam and Khambeswari Patna in the Tehsil Ask of district Ganjam."

[No. S-38013/1/89-SS. I]

नई दिल्ली, 2 फरवरी, 1989

का. घा. 561.—केंद्रीय सरकार कर्मचारी भविष्य निधि स्कीम 1952 के पैरा 5 के साथ धृति पैरा 4 के उपपैरा (i) के अनुसरण में श्री जी. ए. श्रीवास्तव को श्री. राधेश्याम हारलालका के स्थान पर बिहार राज्य के लिए अखिल भारतीय मजदूरों के संघ का सदस्य नियुक्त करती है और भारत के राजपत्र भाग 2, खंड 3, (ii) दिनांक 28 सितंबर, 1985 में प्रकाशित भारत सरकार के शा. मंत्रालय की अधिवृत्तना संख्या 4063, दिनांक 19 सितंबर, 1985 में निम्नलिखित संशोधन करती है।

2. उक्त अधिवृत्तना में का. संख्या 6 के मादों को निम्नलिखित के स्थान पर निम्नलिखित प्रविष्टि की जाएगी अर्थात्:—

"श्री जी. ए. श्रीवास्तव,
मन्त्रि

बिहार उद्योग, मिन्हा लाइब्रेरी रोड,
पटना-800001

[संख्या बी-20012(4)/84-प.सु.-2]

ए. के. भट्टराई, प्रर मन्त्रि

New Delhi, the 2nd February, 1989

S.O. 551.—In pursuance of sub-paragraph (i) of paragraph 4 read with paragraph 5 of the Employees' Provident Fund Scheme, 1952 the Central Government hereby appoints Shri G. A. Srivastava as a member of the Regional Committee for the State of Bihar in place of Shri Radhey Shyam Harlalka and makes the following amendment in the notification of the Government of India, Ministry of Labour S.O. No. 4063 dated the 19th September, 1985 published in the Gazette of India, Part II, Section 3, sub-Section (ii) dated the 28th September, 1985.

In the said notification against Serial No. 6 for the existing entry, the following shall be substituted, namely :—

"Shri G. A. Srivastava,
Secretary,
The Bihar Industries Association,
Sinha Library Road,
Patna-800001.

[No. V-20012(4)/84-PF-II]

A.K. BHATTARAI, Under Secy.

नई दिल्ली, 6 फरवरी, 1989

का. घा. 552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड का मधुबंद कॉलियर्स के प्रबन्धन में संबंधित निष्कर्षों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम (सं. 2), अनुवाद के पंचाट का प्रकाशित करती है।

New Delhi, the 6th February, 1989

S.O. 552.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Madhuband Colliery of M/s. Bharat Coking Coal Limited and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD Reference No. 112 of 1985

In the matter of an Industrial dispute under section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Madhuband Colliery of Messrs Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 6th January, 1989

AWARD

The Government of India, Ministry of Labour in exercise of the power conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. 20012(84)/85-D.III (A), dated the 30th July, 1983.

SCHEDULE

"Whether the action of the management of Madhuband Colliery of Messrs Bharat Coking Coal Limited, in dismissing from service Shri S. C. Bhattacharjee Assistant Surveyor with effect from 17th July, 1984 is justified? If not, to what relief the workman is entitled?"

In this case both the parties filed their respective W.S. documents etc. Thereafter the case proceeded along with its course. Subsequently at the stages of oral evidence both the parties appeared before me and filed a Joint Compromise Petition. I heard them on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the Joint Compromise petition which forms part of the Award as Annexure.

[No. I-20012/84/85-D.III(A)/IR|Code-I]

I. N. SINHA, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of Ref. No. 112/85

PARTIES :

Employers in relation to the Management of Madhuband Colliery of M/s. Bharat Coking Coal Limited, P.O. Nawagarh, Dist. Dhanbad

AND

Their workman.

Joint Compromise Petition of Employers and Workmen the abovementioned employer and their workmen/Bihar Colliery Kamgar Union (which is the sponsoring Union) most respectfully beg to submit jointly as follows :—

- (1) That the Management and the workmen/sponsoring Union have jointly negotiated the matter covered by the aforesaid reference with a view to arriving at a mutually acceptable, amicable and overall settlement.
- (2) That as a result of such negotiation between the two parties, they have agreed to settle the matter covered

by the above reference on an overall basis on the following terms :—

नई दिल्ली, 27 फरवरी, 1989

- (a) It is agreed that the workman concerned Shri S. C. Bhattacharjee, will be reinstated by the Management in the post of Assistant Surveyor (unqualified) held by him prior to his dismissal from service.
- (b) It is agreed that the reinstatement of Shri S. C. Bhattacharjee as indicated in clause (a) above will take effect after this joint compromise petition has been accepted by this Hon'ble Tribunal and Shri S. C. Bhattacharjee thereafter report for duty to the General Manager, Barora Area of Bharat Coking Coal Limited in which Madhubani Colliery falls and he issues the posting orders.
- (c) That from the date of Shri S. C. Bhattacharjee reporting for duty, his pay will be fixed at the stage of Rs 855 (Rupees eight hundred fifty five) per month in the NCWA-III pay scale of Assistant Surveyor (unqualified) viz. Rs 625-23-947 (Technical grade 'F') and on the NCWA-IV coming into force, his pay will be fixed at the corresponding stage of NCWA-IV pay scale of Technical Grade 'E'.
- (d) It is agreed that for the intervening period between the date of his dismissal (17-7-1984) and the date of his reporting for duty as mentioned in clause (b) above, he will not be entitled to any back wages. However he will get benefits of continuity of service.
- (e) It is agreed that this is an overall settlement in full and final settlement of all the claims of Shri S. C. Bhattacharjee and the sponsoring Union arising out of the above reference.
- (3) That the Management and Shri Bhattacharjee and the sponsoring Union consider the above terms of settlement as fair, just and reasonable to all the parties.

In view of the above, the employers and the workman concerned/sponsoring Union jointly pray that the Hon'ble Tribunal may be pleased to accept this joint compromise petition, give an award in terms thereof and dispose of the reference accordingly.

(D. Mukherjee)
Secretary,

Bihar Colliery Kamgar Union

For and on behalf of workman,
(B. N. Tiwary)
General Manager
Barora Area

Bharat Coking Coal Limited

For and on behalf of Employers

(S. C. Bhattacharjee)
Workman concerned

Asstt. Surveyor (Unqualified)
(V. R. Joshi)

Dy. Chief Personnel Manager
Barora Area

Bharat Coking Coal Limited,

For and on behalf of Employers
(Raj S. Murthy)

For Employers

Witnesses :

1.

2.

Dated, the 30th December, 1988.

आ. आ. 553.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में, केन्द्रीय सरकार, मै. मेंटल कोल फील्ड्स लिमिटेड का माहवा कॉलियरी के प्रबन्धन में संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुसूची में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम (सं. 1) धारा 17 के प्रावधानों को प्रकाशित करती है।

New Delhi, the 27th February, 1989

S.O. 553.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1 Dhanbad) as shown in the Annexure in the industrial dispute between the employers in relation to the Sarubera Colliery of M/s. Central Coalfields Limited and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 57 of 1983

PARTIES :

Employers in relation to the management of Sarubera Colliery of M/s Central Coalfields Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

For the Workmen—Shri I. P. Singh, Advocate.

APPEARANCES :

For the Employers—Shri R. S. Murty, Advocate.

For the Workmen—Shri J. P. Singh, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 21st December, 1988

AWARD

By Order No. L-20012(113)/83-D III (A) dated, the 10th August, 1983, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred this dispute for adjudication to this Tribunal with following schedule :

"Whether the action of the management of Sarubera Colliery of Kuju Area of Central Coalfields Limited, in terminating the services of their workman Sri Uma Mahto with effect from 19-11-1977 is justified? If not, to what relief is the workman entitled and from what date?"

2. The case of the management of Sarubera Colliery of M/s. Central Coalfields Ltd. as appearing from the written statement, details apart, is as follows :

There is no industrial dispute in the eye of law inasmuch as no such dispute was ever raised by the workman concerned with the management. Besides the dispute is also over stale. The substantive case of the management is that the concerned workman was appointed by the management as a coal cutter/loader in the underground mine by Office Order dated 29-12-76 by the Sub-Area Manager, West Bokaro Group of Collieries, Kuju. At the time of appointment he was put on probation for a period of six months from the date of joining duty subject to satisfactory performance of duties. He was subsequently posted for duty in Sarubera Colliery which is one of the Collieries in Kuju Group by order dated 20/21-1-77. He was sent to vocational training for 12 days and he actually started working in Sarubera Colliery with

effect from 4-2-77. He was not confirmed in the post nor was he made permanent. He started absenting from duty continuously in an unauthorised manner with effect from 20-6-77 without permission and without any satisfactory cause for more than ten days. In the circumstances, the management sent him a chargesheet dated 29-9-77 wherein he was required to submit his explanation for his continuous absence from duty without permission and satisfactory cause for more than ten days. The letter was sent to him by Registered Post and it was not received back by the management which indicates that it was duly delivered to him. Since no reply was received from him the management waited for a sufficiently long time and as there was no trace of him his service was terminated by order dated 19-11-77 on the ground of misconduct. The order of termination was duly sent to him by Registered Post and the letter was not received back by the management which indicates that it was duly delivered to him. He actually worked for the Colliery for four months and a half. Since continuous absence without permission and without satisfactory cause for more than ten days is misconduct under Model Standing Order applicable to the Colliery, the management submits that its action is fully justified.

3. The case of the concerned workman as appearing from the written statement submitted by the Secretary of the sponsoring Union, Rashtriya Colliery Mazdoor Sangh, Arrah Branch, is as follows :

The service of the concerned workman was terminated with effect from 19-11-1977 but no chargesheet was served on him nor any departmental enquiry was held. The concerned workman, after attending his duty on 19-6-77, went home and fell ill with the result that he could not send any information about his illness to the Colliery. His native village—Dundi is about 15 Kms from Colliery. Since there was nobody available to take information about his illness to the colliery, he was not able to send any information. His illness continued and he was under treatment of Dr. V. K. Chaturvedi, a private practitioner of Ramgarh Cantonment who examined him on 19-11-81. According to the doctor, he was suffering from Rheumatic arthritis. The treatment took a prolonged course with the result that he could not attend his duty till 30-6-82. On his recovery he went to join the duty on 1-7-82, but the management did not permit him to do so. He repeatedly requested the management to allow him to join his duty and supported his case by a medical certificate for fitness issued to him by Dr. V. K. Chaturvedi. But that was of no avail. Being frustrated he approached the union to take up his case with the management for permitting him to join his duty. The Secretary of the union took up his case with the management and some discussions ensued between the union and the management, but no relief was granted to him. The union, therefore, raised the dispute with the A.L.C. (C), Hazaribagh and ultimately on failure of conciliation, the Ministry of Labour was pleased to refer the case for adjudication. The management totally disregarded the procedure laid down by the Head Quarters in its letter dated 29-11-75. The management did not issue him any letter as per specimen No. 1 nor under specimen No. 2 before issuing any chargesheet. Besides, no letter was received by him in respect of departmental proceeding or dismissal from service. According to him the action of the management is illegal, unjustified and liable to be set aside. He was not capable of moving about because of his physical ailments and hence he could not take any treatment in the Colliery dispensary and it was not also possible to take free service at his own house from the colliery dispensary. He underwent treatment by a private physician who gave him treatment at his house situated in a remote village and in the process he had incurred a lot of expenses on account of his medical treatment. He has submitted that the action of the management in dismissing him from service is illegal, unjustified and liable to be set aside.

4. In the rejoinder to the written statement of the workman the management has reiterated that the services of concerned workman were terminated with effect from 19-11-77. The management has denied that the concerned workman was not served with any chargesheet or order of dismissal. The management has denied that he fell ill at his village Dundi

which is about 16 Kms. from the colliery. The management has further submitted had he actually fallen ill he could have received treatment from the colliery dispensary where treatment is given free of cost and serious cases are referred to Nai Sarai Hospital of the Coal Mines Welfare Organisation and also in the Central Hospital of C.C.L. at Ranchi. The dispensary at the colliery is well equipped and the Hospitals at Nai Sarai and Ranchi having indoor facilities and treatment with medical aid facilities for all type of diseases. It has been contended by the management that no employer can keep workmen in service who absents for work for more than five years.

5. In the rejoinder to the written of the management the sponsoring union has stated that the dispute is not stale and that it was raised by the concerned workman directly before the A.L.C.(C), Hazaribagh and that the union represented the case before the A.L.C.(C). The union has reiterated that no chargesheet was sent to him or that no order of dismissal from service was delivered to him. In the context of facts and circumstances the concerned workman has prayed for reinstatement in service with full back wages and continuity of service.

6. The management has examined only one witness, namely, MW-1 Umapada Mishra who is clerking in the Personnel Section of the colliery and laid in evidence a number of documents which have been marked Exts. M-1 to M-7. On the other hand, the concerned workman has examined himself and laid in evidence only one document which has been marked Ext. W-1.

7. It is an undeniable fact, although the pleading of the parties arrayed remained silent, that Uma Mahto, the concerned workman was appointed as coal cutter/loader consequent upon voluntary retirement from service by his wife Panwa Devi under Voluntary Retirement Scheme. MW-1 Umapada Mishra has admitted that the concerned workman was appointed upon retirement of his wife Panwa Devi from service as per Voluntary Retirement Scheme. Besides, the letter of appointment, produced by the management and marked Ext. M-1 is also supportive of the fact that the concerned workman was appointed in place of his wife as coal cutter/loader by Office Order dated 29-12-76. In terms of the letter of appointment the concerned workman was to remain on probation for a period of six months and should his performance found unsatisfactory the management would terminate his service without any reason whatsoever. Anyway, it appears that the concerned workman was directed to report for duties to the colliery Manager, Kuya Colliery. But subsequently by way of corrigendum dated 20/21-1-77 (Ext. M-2) the concerned workman was directed to report for duties to the colliery Manager, Sarubera Colliery. It further appears that the concerned workman was sent for Vocational Training. This has been testified by MW-1 Umapada Mishra. Besides, the letter of the Colliery Manager, Sarubera Colliery dated 4-2-77 to the Sectional Manager, West Section indicates that the concerned workman completed Vocational Training and was directed to report for duty to the Sectional Manager of West Section (Ext. M-3). There is no dispute that the concerned workman worked for the colliery till 19-6-77 and started remaining absent without permission or intimation to the management. According to the concerned workman he went home and fell ill with the result that he could not send any information to the colliery management about his illness. His further case is that he is resident of village Dundi which is about 15 Kms. from the colliery where he worked and since there was nobody available to take information about his illness to the colliery he was not able to send information. It is also his case that since his illness continued he was under treatment of Dr. V. K. Chaturvedi, a private practitioner of Ramgarh Cantonment. The case of the management is that the plea of illness as set up by the concerned workman is travesty of fact and that he remained absent from duty without information to or permission of the management. Whatever may be the position, the fact is that the management issued a notice dated 29-9-77 directing him to resume duty immediately and to submit his explanation regarding absence from duty within seven days from the date of receipt of the letter (Ext. M-4). This notice further

stipulated that if he failed to submit any explanation it would be presumed that he had no explanation to offer and that he accepted the charge and thereafter the competent authority would dispose of his case on merit without any further reference to him and pass such order as may be appropriate to the circumstances of the case. According to the management since no reply was received from the concerned workman his services were terminated by letter dated 19-11-77 (Ext. M-5) and that information about termination of service was communicated to the concerned workman. The concerned workman has emphatically denied to have received the notice requiring him to show cause and also the letter terminating his services. In the circumstances the onus is upon the management to prove that the notice to show cause and letter of termination of service was sent to and received by the concerned workman.

8. MW-1 Umapada Mishra has stated that the notice of show cause and letter of termination of service were issued to the concerned workman. He has proved the office copy of the notice to show cause and letter of termination of service. He has admitted that Despatch Register is maintained at the colliery for issuance of letters and according to him the Despatch Register has been damaged beyond recognition by percolation of water through the roof of the room where the registers were kept. Even so, the management could have produced some other evidence in proof of sending of these notices to show cause and letter of termination. But that has not been made available by the management. It appears from evidence that the concerned workman resides at village Dundi while the notice to show cause and letter of termination were addressed to the concerned workman at village Choti Dundi.

9. There is no evidence on record to indicate that village Chotti Dundi is commonly known as village Dundi or that there exists no village as Dundi apart from village Chotti Dundi. That being so, it cannot be said that the notice to show cause and letter of termination of service was correctly addressed by the management so as to reach the concerned workman. Besides, there is no evidence on record to indicate the mode of service—personally or by registered post of these notices and letters. In these circumstances I have no hesitation to hold that the management has dismantled failed to discharge its onus that the notice to show cause and letter of termination of service were correctly addressed and reached the concerned workman. Admittedly, Model Standing Order for Industrial Establishment in Coal Mines is applicable to the employees of Sarubera Colliery. Clause 17(i) of the said Model Standing Order envisages disciplinary action for misconduct and as per Clause 17(i)(n) continuous absence without permission and without satisfactory cause for more than ten days is a misconduct. The clauses as aforesaid envisage departmental enquiry to enquire into misconduct. Admittedly, no such departmental enquiry was held to enquire into the misconduct of the concerned workman. As a matter of fact the management took precipitated and peremptory action in terminating the services of the concerned workman for his absence for more than ten days without permission and without satisfactory cause.

10. It appears that the management issued circular dated 29-11-75 presumably to combat absenteeism of employees. The relevant portion of the circular (Ext. W-1) is gleaned hereinbelow :

"In the MD's Co-ordination Meeting held by the MD with the AGMs on 4-11-75 it was decided that I would issue a Circular in regard to the action to be taken by the various units for dealing with the cases of employees absenting from duty. In this connection the following procedure is suggested :—

A. Cases where an employee initially absent from duty and stay away from work for more than 10 days continuously.

- (a) In such cases a letter will be issued to the workman concerned as per Specimen No. 1.
- (b) If a reply receipt from the workman and he turns up at the colliery/unit, an enquiry will be held to establish that he absented from duty continuously for more than 10 days without permission and without satisfactory cause. On the merits of the case, an appropriate punishment will be awarded to him. Such disciplinary cases can be dealt with

in an extremely simple manner and the trial can be completed in one sitting. The Management has only to produce the time keeper or the employee maintaining the attendance records to show that the workman absented from duty continuously for more than 10 days without permission and without satisfactory cause. If an employee repeatedly absents from duty in this manner, then it will be a case for dismissing him from service after giving him two or three chances.

- (c) In case no reply is received from the workman to the charge issued to him as per specimen No. 1, an order will be issued as per specimen No. 2.
- (d) If after issue of the order as per specimen No. 2 the workman turns up for duty, his case may be considered on its merits. But it will in any case be necessary to award him a deterrent punishment such as of stoppage of increment or suspension without wages for a period upto 10 days and so on. If his attendance does not show improvement in spite of such punishment, on the next occasion there will be no question of considering his case for employment at all.

B. Cases where an employee initially proceeds on leave sanctioned to him and then over stays such leave beyond a period of 10 days.

Thus, it appears that cases where an employee initially absents from duty and stays away from work for more than 10 days continuously the management is to issue a letter as per specimen No. 1. Unfortunately this specimen No. 1 has not been made available. According to MW-1, Exts. M-4 and M-5 are the specimen of letters referred to in the circular as aforesaid. Even if Ext. M-4 i.e. notice to show cause and direction for immediate resumption of duty be construed as specimen No. 1, it cannot be accepted at all that Ext. M-5 i.e. the letter of termination of service corresponds to specimen letter No. 2 as per the circular because the circular says that in case no reply is received from the workman to the charge issued to him as per specimen No. 1 an order will be issued as per specimen No. 2 and that even after issue of order as per specimen No. 2 the workman turned up for duty his case may be considered on merits. But it will in any case be necessary to award him a deterrent punishment, such as, stop of increment, or suspension without wages for a period upto ten days and so on. The circular further says that if his attendance does not show improvement in spite of such punishment, on the next occasion there will be no question of considering his case for employment at all. Thus, it is evidenced that the circular does not envisage out-right termination of service should any workman fail to submit his explanation and resume his duty as per direction of the management as has been done in this case. It has remained inexplicable why the management has made a departure of its own circular by terminating the services of the concerned workman after issuance of notice of show cause and directing him to resume his duty. The concerned workman has stated in his pleading that because of his continued illness he could not resume his duty and that since there nobody available to take information about his illness to the colliery he was not able to send information and that since his illness continued he was under treatment of Dr. V. K. Chaturvedi. The concerned workman has stated in his testimony about his illness and of his having undergone treatment by Dr. V. K. Chaturvedi at Ramgarh which, according to him, is distanced from 5 miles from his village. Unfortunately he could not produce Dr. Chaturvedi in support of the fact that he was under his (Chaturvedi's) treatment. The management has taken pains to state in its pleading that treatment was available at the colliery dispensary and also at other hospitals. But the concerned workman has stated that there was nobody in his family to send information for treatment in colliery dispensary. He has further stated that he submitted his papers to Tiwariji, a union leader. Unfortunately this Tiwariji, according to the concerned workman, could not present himself before this Tribunal because he missed the bus. The concerned workman has stated that he looked for Dr. Chaturvedi but could not trace him.

There is no evidence on record to indicate that the concerned workman is gainfully employed elsewhere or in such circumstances that he is not required to work to eke out his livelihood both for himself and his wife. This being so, I consider that it is not actuated by any frolic that he absented himself from duty but under compulsive circumstances for reasons of his illness.

Considering all these facts and circumstances I consider that the management was not justified in terminating the services of the concerned workman in a brusque and peremptory manner.

11. It is the case of the concerned workman that he reported for duty, but the management did not allow him to do so. He has testified so at the time of hearing. Thereafter the union raised this industrial dispute. In the circumstances I think that an industrial dispute was properly raised in which the live issue is the termination of this services. The dispute is not also stale inasmuch as the management did not allow him to resume his duty and thereafter the present dispute has been aised.

12. Since the management could not get any work from the concerned workman and since the concerned workman worked for the colliery for a brief period, I am not inclined to pass award for back wages in the circumstances of the present case.

13. Accordingly, the following award is rendered—the action of the management of Sarubera Colliery of M/s. Central Coalfields Limited in terminating the services of the concerned workman, Uma Mahto with effect from 19-11-1977 is not justified. The management is directed to reinstate the concerned workman in service within two months from the date of publication of the award. The concerned workman is also directed to report for duty within two months from the date of publication of the award.

In the circumstances of the case I award no cost.

[No. 20012 (113)/83-D. III(A)/IR (Coal-I)]

S. K. MITRA, Presiding Officer

का. घा. 554.—औद्योगिक विवाद प्रवर्तित, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड का गोविन्दपुर कोलियरी, के प्रबंधन में संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्राधिकरण (सं. 2), धनबाद के पंचाट का प्रकाशित करती है।

S.O. 554.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Govindpur Colliery of M/s. Bharat Coking Coal Limited and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 92 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES.

Employers in relation to the management of Govindpur Colliery of Messrs. Bharat Coking Coal Limited

AND

Their workmen.

APPEARANCES:

On behalf of the workmen—Shri Arjun Singh, Secretary, Koyala Ispat Mazdoor Panchayat.

On behalf of the employers—Shri S. P. Singh, Personnel Manager.

STATE : Bihar

INDUSTRY : Coal.

Dated, the 4th January, 1989

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/291/86-D. III(A), dated, the 5th March, 1987.

SCHEDULE

"Whether the management of Govindpur Colliery of Messrs. Bharat Coking Coal Limited are justified in terminating the services of Shri Banshi Bhuia, Wagon Loader with effect from 7th January, 1985? If not, to what relief the workman is entitled?"

In this reference both the parties filed their respective W.S. Thereafter the case proceeded along with its course. But subsequently both the parties appeared before me and filed a Petition of compromise. I heard both the parties on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the same and pass an Award in terms of the petition of compromise which forms part of the Award as annexure.

1. N. SINHA, Presiding Officer

[No. L-20012(291)/86-D. III(A)/IR (Coal-I)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

Reference No. 92/87

Employers in relation to the management of Govindpur Colliery of M/s. Bharat Coking Coal Limited;

AND

Their Workmen.

PETITION OF COMPROMISE

The humble petition on behalf of the parties to the above reference most respectfully sheweth:—

1. That the Central Government by notification No. 20012 (29)/86-D. III(A) dated 15th March, 1987 has been pleased to refer the present case to the Hon'ble Tribunal for adjudication on the issue contained in the schedule of reference which is reproduced below:—

"THE SCHEDULE"

"Whether the management of Govindpur Colliery of M/s. BCCL are justified in terminating the service of Shri Banshi Bhuia, Wagon Loader with effect from 1st July, 1985? If not, to what relief the workman is entitled?"

2. That the parties to the above reference have amicably settled the dispute on the following terms:—

Terms of Settlement

(A) That the concerned workman Shri Banshi Bhuia will be re-instated on his original job of Wagon Loader with effect from the date he reports for duties provided he reports for his duties within 15 (fifteen) days from the date of this settlement.

(B) That the concerned workman will be paid 50 per cent of his wages for the period from the date of reference i.e. 5th March, 1987 till he reports for his duties within a period of 90 days from the date

of his joining duties. His continuity of service will be maintained.

(C) That the concerned workman will produce all the proof of his genuinity of his employment at the time of reporting for his duties.

(D) That in case the concerned workman fail to report for his duties within the stipulated period he will loose all his right under this settlement and he will not have any claim of any kind against the management in future.

3. That, in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above, the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

FOR THE EMPLOYER :

(K. KUMAR)

General Manager

(S. P. SINGH)

Personnel Manager,

Govindpur Area.

FOR THE WORKMEN/UNION

(ARJUN SINGH)

Secretary,

Koyla Ispat Mazdoor Panchayat.

WITNESSES :

1. Sd./- Illegible.

2. Sd./- Illegible.

का. प्रा. 555.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, मैमर्स भारत कोकिंग कोल लिमिटेड का ईस्ट कुस्तोर कोलियरी के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक प्रतिक्रिया (सं. 2), धनबाद के पंचायत को प्रकाशित करती है।

S. O. 555.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the East Kustore Colliery of M/s. Bharat Coking Coal Limited and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 112 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of East Kustore Colliery of M/s. Bharat Coking Coal Limited, Dhanbad ;

AND

Their workmen.

APPEARANCES :

On behalf of the workmen—Shri B. B. Pandey, Advocate.

On behalf of the employer—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 5th January, 1989.

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(300)/85/D. III(A), dated, the 21st February, 1986.

SCHEDULE

"Whether the demand of Coal Mines Engineering Workers' Association that the management of East Kustore Colliery of M/s. Bharat Coking Coal Limited should place their workman, Shri Ram Deo Singh, Cap Lamp Fitter in Clerical Grade-III by changing his designation in consideration of the work done by him, is justified? If so, to what relief the workman concerned is entitled and from what date?"

In this case both the parties filed their respective W.S. documents etc. Thereafter the case proceeded along its course. But subsequently both the parties appeared before me and filed a petition of compromise. I heard them on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the petition of compromise which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-20012/300/85-D. III(A)/IR (Coal-1)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, DHANBAD

Reference No. 112/86

Employers in relation to the management of Kustore Colliery ;

AND

Their workmen.

PETITION OF COMPROMISE

The humble petition of the parties above named most respectfully sheweth :—

1. That the present dispute has been amicably settlement on the following terms :—

(a) That Sri Ramdeo Singh will be regularised as Cap Lamp Issue Clerk with immediate effect. The management shall issue order of regularisation within 1 month from the date of receipt of the award passed by the Hon'ble Presiding Officer, Tribunal No. II, Dhanbad. However he will continue to perform the existing duties.

(b) That the management shall give benefit of one additional increment to Sri Ramdeo Singh in addition to the normal fitment benefit in Clerical Grade-III (Three) as he will be performing his existing duties in future also.

(c) That the settlement be filed before the Hon'ble Central Government Industrial Tribunal No. II with a request to pass award accordingly.

2. That in view of the above settlement there remain nothing to be adjudicated by the Hon'ble Tribunal.

Under fact and circumstances stated above the Hon'ble Tribunal will be graciously please to accept the settlement

as fair and proper and be please to pass the Award in terms of the settlement.

For the Employers :

1. (H. L. GUPTA)
General Manager,
Kustore Area
2. (U. K. JHA)
Personnel Manager,
Kustore Area

For the workmen :

1. (SUDAMA VISOWAKARMA)
Area Secretary, CMEWA

DECLARATION

I, Shri Ramdeo Singh, do hereby declared and state that I have fully understood the terms of the settlement and I accept the same with my own volition.

Sd/-

Signature of the concerned workman.

का.स. 556—औद्योगिक विवाद, अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मेसर्स भारत कोकिंग कोय लिमिटेड का दुग्डा कोय वाशरी के प्रबन्धकों से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम (म 2), धनबाद के पंचाद को प्रकाशित करती है।

S.O. 556.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Dugda Coal Washery of M/s. Bharat Coking Coal Limited and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 156 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Dugda Coal Washery of Central Coal Washeries Organisation of Messrs. Bharat Coking Coal Limited ;

AND

Their workmen.

APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar. INDUSTRY : Washery.

Dated, Dhanbad, the 3rd January, 1989

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. I-20012(286)/85-D. III(A), dated, the 3rd April, 1986.

SCHEDULE

"Whether the demand of Central Coal Washeries Workers' Union that the management of Dugda Coal Washery of Messrs. Bharat Coking Coal Limited should revise the existing incentive scheme at the washery in view of their proposal for introduction of two shifts instead of the existing three shifts, is justified? If so, to what relief are the workmen concerned entitled?"

The case of the workmen is that the Central Coal Washeries Organisation which was formerly under the erstwhile Hindustan Ltd, came under BCCL and thereafter BCCL introduced an incentive scheme in the month of October, 1973 which was still in vogue. The said incentive scheme is based on 4.2 MT. per annum of raw coal feed i.e. 3,50,000 tonnes of monthly raw coal feed taking Dugda I and II as composite unit. The performance slab which is a part of the above incentive scheme envisages that the incentive will start accruing from monthly raw coal feed of 2,10,000 tonnes i.e. 60 per cent of the annual/monthly quantity, of raw coal feed capacity. The above target of coal feed and performance slab is based on three shifts working of 8 hours each and 7 days a week of the handling of raw coal wagons which feed the entire plant of Dugda I and II for achieving the target production quantity. One of the conditions of incentive scheme envisages that the ash factor percentage will be 17 per cent. The incentive schemes has been made outdated and ineffective making various changes in practice and thus insisting change by the management of Central Coal Washeries organisation, BCCL, Dugda Coal Washery. The rate of new incentive was fixed in the month of October, 1973 when the minimum rate of wages as per steel Wage agreement as applicable to the workers of Dugda Coal Washery was Rs. 240 per month and this has undergone change of the present minimum wage as per the aforesaid wage agreement is Rs. 781.90 i.e. there has been a hike in the price of raw coal as well as washed coal being sold by the employer. The daily incentive rate as applicable to the individual workers therefore should be revised and raised by 326 per cent. On the above facts it has been prayed that the management of Dugda Coal Washery should be directed to revise the existing incentive scheme and the management be directed to start performance slab from 1,40,000 tonnes of raw coal feed per month for accruing incentive with reduction in other slabs at the same ratio and that the management may be directed to fix 21 per cent as the Ash factor for computation of incentive and the management may also be directed to increase the daily incentive rate in relation to the percentage of hike in the wage rate.

The management filed W.S. raising the question of maintainability. According to the management the issue referred to the Tribunal does not fall within the scope of section 2(k) of the I.D. Act and the reference order seeks to interfere with the basic management's function. The management has already introduced two shifts and as such reference order no longer hold good.

The question to be decided in this case is whether the demand of the union of Central Coal Washeries that the management of Dugda Coal Washery of M/s. BCCL should revise existing incentive scheme at the washery in view of their proposal for introduction of two shifts instead of the existing three shifts is justified.

It will appear from the schedule to the order of reference that the workmen have to justify the demand referred to this Tribunal for adjudication. After filing of the W.S. by the parties the workmen ceased to take any interest in the case and were not taking any step after 25th March, 1987. On perusal of the order sheet it will appear that when the workmen were not taking any step a notice was issued on 5th February, 1987 fixing 20th February, 1987 for evidence. On 20th February, 1987 a representative of the workmen appeared and on his petition the case was fixed for evidence on 25th March, 1987 since then the workmen did not appear on any date fixed in the case. It is obvious therefore that the workman was not interested and as such did not appear on the case. It is submitted on behalf of the management that the workman was not interested and hence they are not taking any step in the case inspite of the notice sent to them.

As it was for the workmen to establish the demand referred to in the schedule to the order of reference and the workmen did not adduce any evidence in support of their case I hold that the demand of the workmen has not been established.

In the result, I hold that the demand of the Central Coal Washeries Workers Union that the management of Dugda Coal Washery of M/s. BCCL should revise the existing incentive scheme at the washery in view of the proposal for introduction of two shifts instead of the existing three shifts is not justified and accordingly the workmen are not entitled to any relief.

This is my Award.

[No. I-20012(286)/85-D. III(A)/IR (Coal-1)]

I. N. SINHA, Presiding Officer

नई दिल्ली, 28 फरवरी 1989

का.आ. 557 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, 'मेमर्स भारत कोकिंग कोल लिमिटेड की वेस्ट मुदीदीह कोलियरी के प्रबन्धन से सम्बन्धित न्यायकों और उनके कर्मचारियों के बीच, प्रबन्धन में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-2-1989 को प्राप्त हुआ था।

New Delhi, the 28th February, 1989

S.O. 557.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Indl. Tribunal No. 2, Dhanbad, as shown in the Annexure in the Industrial Disputes between the employers in relation to the West Mudidih Colly of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 21st February, 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 41 of 1986

In the matter of an industrial dispute under Section 10 (1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of West Mudidih Colliery in Katras Area No. IV of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : Shri P. Jha, Dy. P.M.

STATE : Bihar INDUSTRY : Coal

Dated, Dhanbad, the 14th February, 1989

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. 120012(135)/85-D.III(A), dated, the 17th January, 1986.

SCHEDULE

"Whether the demand of Koyala Ispat Mazdoor Panchayat for reinstatement of Shri Baiju Mahato, Haulage Operator who was retired from service from 26-8-1984 by the management of West Mudidih Colliery in Katras Areas No. IV of M/s. Bharat

Coking Coal Limited, is justified ? If so, to what relief is the said workman entitled ?"

The case of the workmen is that the concerned workman Shri Baiju Mahato was the Haulage Operator in West Mudidih Colliery of M/s. B.C.C.L. The Identity card issued to him mentioned the date of his birth as 6-12-1930 and there was over writing on it as 6-12-1925. The concerned workman was arbitrarily and wrongfully superannuated on 26-8-84. The age of the concerned workman was recorded in the Identity card as 6-12-1930 and as such he should have been superannuated with effect from 6-12-1990. The concerned workman is a member of Koyala Ispat Mazdoor Panchayat and the said union of the workman made a representation to the General Manager Katras Area regarding the wrong and illegal order of superannuation of the concerned workman vide letter dtd 10-11-84. But the management did not respond to the representation made by the union on behalf of the concerned workman and thereafter the union raised in industrial dispute before the ALC(C) Dhanbad requesting him to intervene in the matter and to get the concerned workman reinstated to his job with full back wages. The ALC(C) started conciliation proceeding and on his submission of failure report the present reference was made to this Tribunal for adjudication. On the above facts it is prayed that the concerned workman be reinstated with full back wages from the period of the wrong date of superannuation.

The case of the management is that the concerned workman had declared his age as 50 years in 1973 at the time of his appointment when his Form B Register was prepared. Accordingly the year of birth of the concerned workman was 1923 and the concerned workman was superannuated after he had already completed 60 years of age. The concerned workman can have no grievance as he was retired after more than a year of the date of the superannuation. Even if the date of birth of the concerned workman was 6-12-25 he reached the age of 60 years on 6-12-84 and his retirement date accordingly was only 3 months behind the said date. After the date of his retirement the concerned workman has claimed the date of his birth as 6-12-30 and made an attempt to get some manipulation in the identity card with the help of some interested persons. There was no justification for the workman to claim that the date of birth of the concerned workman was 6-12-1925 or 6-12-1930. The action if the management in superannuating the concerned workman with effect from 26-8-84 is legal and justified and the present claim of the concerned workman for reinstatement is not justified.

After filling the W.S. the union of the workman or the concerned workman did not take any step in the case.

The point for determination in this reference is whether the concerned workman has been rightly superannuated with effect from 26-8-84.

The management examined two witnesses and got exhibited documents Ext. M-1 to M-4 to prove their case. It will appear from Ext. M-1 which is the relevant page from Form B Register that the concerned workman Baiju Mahato was aged 50 years at the date of commencement of the employment. The date of the commencement of the employment was 1-1-73 and accordingly 1-1-23 was taken as the date of tired from service with effect from 26-8-84 on basis of the is working as Dy. Personnel Manager in West Mudidih Colliery. He has stated that the concerned workman was retired from service with effect from 26-8-84 on basis of the entry of his date of birth in Form B Register. He has further stated that his age in Form B Register is mentioned as workman had appeared before him and had filed a petition dated 20-6-81 after giving his LTI on it in his presence and the said document is marked Ext. M-2. Ext. M-2 is the petition bearing the LTI of the concerned workman identified by a witness. It is stated in this petition that he has retired from his service and that he has not filed any case after his retirement against the management and he prayed that all his dues he paid at an early date MW-1 has further stated that the concerned workman has filed this claim from regarding his gratuity which was paid to him vide Pay Order Ext. M-3 and all the dues of the concerned workman was paid.

MW-2 Shri P. Jha is Dy. Personnel Manager in the Katras Area of M/s. B.C.C.L. He has stated that was a discussion between the management and the General Secretary of Koyala Ispat Mazdoor Panchayat on 31-10-88 in respect of of the present reference and other cases in which the concerned workman Baiju Mahato admitted his date of birth as recorded in the colliery statutory records and received the gratuity payment. The minutes of the said joint committee is marked Ext. M-4 and is signed by Shri H. N. Singh, General Secretary of Koyala Ispat Mazdoor Panchayat which has sponsored the present industrial dispute. With regard to Ref. No. 41186 (Baiju Mahato Haulage Operator of West Mudidih Colliery) it is stated that the concerned workman had raised the dispute on the alleged ground of premature superannuation but subsequently he admitted the date of his birth as recorded in the colliery statutory records and received the gratuity payment from the date of birth and therefore the union did not press the case of the concerned workman before the joint committee on 31-10-88. All these evidence clearly established that the date of birth of the concerned workman was correctly recorded in Form B Register in Ext. M-1 as 50 years on 1-1-73 and that he has been superannuated after he had completed his 60 years and above.

In the result I hold that the demand of the Koyala Ispat Mazdoor Panchayat for reinstatement of the concerned workman Shri Banu Mahato, Haulage Operator who was retired from service with effect from 26-8-84 by the management of Mudidih Colliery of M/s. BCCI is not justified and consequently the concerned workman is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
K. P. DYA PRASAD, Desk Officer
[No. L-20012/135/85-D-III(A)(Coal-I)]

नई दिल्ली 27, फरवरी, 1989

का.आ. 558:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व सैतर्स ईस्टर्न कोल-फील्ड्स लिमिटेड मतग्राम ऐरिया रातीबती कोलियरी के प्रबन्धन के सम्बन्ध में निम्नलिखित शर्तों के अधीन उनके कार्यकारी के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-2-1989 को प्राप्त हुआ था।

New Delhi, the 27th February, 1989

S.O. 558.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rati Bati Colliery of Satgram Area of M/s. Eastern Coalfields Limited and their workmen, which was received by the Central Government on the 22nd February, 1989.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 6 of 1984

PARTIES:

Employers in relation to the management of Rati Bati Colliery of Satgram Area of M/s. E. C. Ltd.

AND

Their workman.

APPEARANCES:

On behalf of employers—Mr. R. S. Sharma, Advocate with Mr. S. K. Sanyal, Personnel Manager of the Company.

On behalf of workman—The workman concerned himself.

STATE: West Bengal.

INDUSTRY: Coal.

AWARD

By Order No. L-19012(25)/83-D.IV(B) dated 25th February, 1984, the Government of India, Ministry of Labour and Rehabilitation, Department of Labour referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Rati Bati Colliery of Satgram Area of M/s. Eastern Coalfields Ltd. in dismissing Shri Bhabani Banerjee, O.S. Satgram Area Office, from their services w.e.f. 7-10-82 and placing him under suspension from 18-11-81 was justified? If not, to what relief the said workman is entitled and from what date?”

2. The case as made out by the concerned workman Shri Bhabani Banerjee in his written statement and rejoinder is briefly as follows: The workman Bhabani Banerjee, the Office Superintendent of Satgram Area Office was charge-sheeted for the mis-appropriation of Rs. 1214.53 in connection with his work while he was the workman at Rati Bati Colliery of Satgram Area of Eastern Coalfields Ltd. on the allegation that the workman withdrew the aforesaid amount for payment of compensation to Ashoke Mondal and Pradip Mondal of Chelod village. According to the workman concerned he was not entrusted with the payment of the same as compensation to the persons as alleged. The concerned workman was a member of the administrative discipline and was not competent to receive such amount and make the payment as alleged. It has been further alleged by the concerned workman that he fully discharged his liability in money if drawn on any occasion. According to the concerned workman the allegation in the charge-sheet was false. The management however got the domestic enquiry held in respect of the said false charge and got the favourable report from the Enquiry Officer who did not follow the principle of natural justice while holding the domestic enquiry. The workman concerned was not given the opportunity to defend himself in the domestic enquiry. The disciplinary authority on the basis of such biased report of the Enquiry Officer dismissed the concerned workman in violation of the provisions of the Standing Orders. The concerned workman accordingly raised the dispute about his illegal dismissal and about the suspension pending the domestic enquiry and the said dispute resulted in the present reference.

3. The case as made out by the management Company in their written statement and rejoinder is briefly as follows: The workman concerned was working in the office of the Satgram Area of Eastern Coalfields Ltd. when he was given the charge-sheet and the suspension order on 18-11-1981 and on the basis of the domestic enquiry held against him, the concerned workman was dismissed from the service with effect from 7-10-1982. It has been denied that the concerned workman was not given the opportunity of defending himself in the course of the domestic enquiry and that the Enquiry Officer did not follow the principle of natural justice while holding the domestic enquiry. According to the management the domestic enquiry was valid. The management has denied also the allegation of the concerned workman that the charge-sheet was issued on false grounds. It has been contended that the concerned workman received from the Company the total amount of Rs. 4073 as advance for making payment towards the crop compensation to the land owners and that the said amount included the amount of Rs. 1214.53 which was to be paid to Ashoke Mondal and Pradip Mondal by way of crop compensation in respect of their lands. The concerned workman used to deal with the payment of such compensation after receiving the amount from the Company. The concerned workman showed the payment of compensation of Rs. 607.26 to Ashoke Mondal and another Rs. 607.27 to Pradip Mondal by preparing false vouchers and manipulating the false signatures of those two persons in 1976.

Both Ashoke Mondal and Pradip Mondal who are two brothers however did not take any step to receive the crop compensation in 1976 as there was a land dispute with their sister in respect of the plots in question in respect of which the crop compensation was to be paid by the Company. After the settlement of the said dispute both the brothers approached the concerned office of the Company and came to know that the crop compensation money totalling Rs. 1214.53 had been paid to them. They denied the receipt of the said compensation money and they were advised to make complaint to the appropriate authority of the Company. On their complaint, a preliminary enquiry was held and it was found that the concerned workman who was entrusted with the money to make the compensation payment had misappropriated the amount. The management Company then started domestic enquiry against the concerned workman through the Enquiry Officer after giving him the charge-sheet and placing him under suspension. The Enquiry Officer submitted the report after completing the domestic enquiry and found the concerned workman guilty of the charge. The management accepted the report of the Enquiry Officer and dismissed the concerned workman in view of the gravity of the charge. The concerned workman accordingly is not entitled to any relief in this reference.

4. In a case of this nature, a preliminary issue with regard to the validity or otherwise of the domestic enquiry is required to be heard first. Accordingly this Tribunal first heard the preliminary issue with regard to the validity of the domestic enquiry. This Tribunal by its detailed order dated 7-2-1989 found the domestic enquiry to be valid and then has heard the case on merit.

5. Mr. Bhabani Banerjee, the delinquent workman has challenged the report of the Enquiry Officer on the ground that the said report is not based on evidence. He has submitted that in the charge-sheet it has been alleged that he has with drawn Rs. 1214.53 from the Company for making payment towards crop compensation to Ashoke Mondal and Pradip Mondal in respect of their plots of land as mentioned in the charge-sheet but the management could not prove by satisfactory evidence that he had withdrawn the said amount from the Company. Mr. Banerjee has further submitted that although the alleged incident for which he has been charge-sheeted took place while he was the workman in Rati Bati Colliery, the domestic enquiry has been held in accordance with the Model Standing Orders governing the Satgram Area Office and not in accordance with the certified Standing Orders of the Rati Bati Colliery of the Eastern Coalfields Ltd. His last submission is that the Enquiry Officer because of his biasness allowed the recalling of management's witness K. K. Sengupta for further examination in spite of his objection.

6. Mr. Sharma, the Learned Advocate appearing for the management has however submitted that the Enquiry Officer has given the reasons why he allowed the recalling of the management's witness K. K. Sengupta and took his further evidence. Mr. Sharma has further submitted that the Enquiry Officer was never biased and that he gave all opportunity to the concerned workman for defending himself and that the Enquiry Officer's report is based on evidence both oral and documentary. As regards the submission of the concerned workman about the Standing Orders it has been submitted by Mr. Sharma that the concerned workman was the Office Superintendent at Satgram Area Office of Eastern Coalfields Ltd., when the charge-sheet was given and the domestic enquiry was held and that the Rati Bati Colliery is within the Satgram Area of Eastern Coalfields Ltd. So according to Mr. Sharma the domestic enquiry and the dismissal of the workman concerned in accordance with the Model Standing Orders which governs the Satgram Area of the Company were not illegal.

7. I have given due considerations to the submission of the concerned workman and the Learned Advocate for the management with reference to the materials in the record. It has already been stated that the domestic enquiry was found to be valid and the Tribunal's order dated 7-2-1989 has clearly indicated that the concerned workman was given all opportunity of defending himself and cross-examining the witnesses of the management. It is true that in the charge-sheet it has been alleged that the concerned workman had drawn a

sum of Rs. 1214.53 from the Company for making payment towards the crop compensation to Ashoke Mondal and Pradip Mondal. In the written statement-claim-joinder of the management and in the evidence as adduced by the management it has been clearly indicated that the concerned workman was entrusted with the amount of Rs. 4073 including the amount of Rs. 1214.53 for making the payment towards the crop compensation to several persons including Ashoke Mondal and Pradip Mondal. It appears that in the course of domestic enquiry the concerned workman understood the allegation and did not raise any objection with regard to the charge-sheet. The concerned workman cross-examined some of the witnesses of the management and refused to cross-examine some others.

8. On a careful consideration of the evidence together with the charge-sheet, I find that the concerned workman has not been prejudiced in any way by the allegation in the charge-sheet. It appears from the debit voucher dated 2-2-1976, Enquiry Officer's Ext. M-4 in the domestic enquiry that the concerned workman received the amount of Rs. 4073 from the company by putting his signature on the reverse of the said debit voucher. The particulars as mentioned in the said voucher run to the following effect "Pay to Bhabani Banerjee towards crop compensation payment". MW-6 R. S. Joshi, Cashier of Rati Bati Colliery before the Enquiry Officer has stated in his evidence that the debit voucher dated 2-2-1976, Enquiry Officer's Ext. M-4 in the domestic enquiry showing the payment of Rs. 4073 to Bhabani Banerjee towards crop compensation payment bears the signature of Bhabani Banerjee on the back. Bhabani Banerjee (concerned workman) has refused to cross-examine this witness. The evidence of R. S. Joshi further shows that the amount of Rs. 4073 was credited to the concerned workman by the credit voucher dated 20-2-1976 which is the Enquiry Officer's Ext. M-5 in the domestic enquiry proceedings.

9. The evidence of K. K. Sengupta, Senior Accounts Officer of Rati Bati Colliery, MW-5 before the Enquiry Officer, shows that in pursuance of the complaint made by Ashoke Mondal and Pradip Mondal he held the preliminary enquiry and found that the amount of Rs. 4073 including the charge-sheeted amount was entrusted with the concerned workman for payment towards the crop compensation to the eligible persons including the aforesaid Mondal brothers and that the concerned workman without making the actual payment to the Mondal brothers falsely showed the amount in question as paid to them under the false vouchers. Ext. M-1 and M-2 before the Enquiry Officer. Enquiry Officer's Ext. M-1 bears the signature reading Ashoke Mondal on its reverse and the Enquiry Officer's Ext. M-2 bears the signature reading Pradip Mondal on its reverse. The evidence of K. K. Sengupta on recall has been challenged by the concerned workman on the ground that the Enquiry Officer because of his biasness against the concerned workman has accepted such evidence. The Enquiry Officer has given the detailed reasons why he allowed the prayer of the Presenting Officer to recall the management's witness K. K. Sengupta and I find that the Enquiry Officer has rightly allowed the recall of K. K. Sengupta by the Presenting Officer of the management and rightly accepted his further evidence on recall.

10. Both Ashoke Mondal and Pradip Mondal have given evidence in the domestic enquiry. Both of them have stated that in 1976 they were not in a position to accept the crop compensation money in respect of their land as they had a dispute with their sister and that after the settlement of the said dispute they approached the company for receiving the crop compensation money. Pradip Mondal has stated in his evidence that he knew that the concerned workman, Bhabani Banerjee used to deal with the land crop compensation matter and that accordingly after the settlement of their land dispute he approached the concerned workman to receive the compensation money and that he was told by the concerned workman that he knew nothing about the same. Ashoke Mondal has also given evidence on the same lines. Both the brothers then approached the concerned office and they were reported and shown that they had already received the crop compensation amount as per their signed vouchers. Both the Mondal brothers denied their alleged signatures and the receipt of any crop compensation money. They even made the complaint

before the appropriate authority about the same. Both Ashoke Mondal and Pradip Mondal have denied their respective alleged signature on the reverse of the vouchers, Enquiry Officer's Ext. M-1 and Ext. M-2 respectively.

11. The concerned workman Bhabani Banerjee has no doubt stated in his written statement that he used to work in the administrative discipline of Kati Bahi Colliery and not in the accounts-cum-cash department where the vouchers were drawn. The workman however at the same time in his written statement has stated that he fully discharged his liability in money if drawn on any occasion. This particular statement of the concerned workman when considered alongwith the evidence both oral and documentary as adduced by the management Company, goes to show that the concerned workman was entrusted with the crop compensation money including the charge-sheeted amount of Rs. 1214.53 for making payment towards the crop compensation. The evidence of the management's witness G. N. Sinha, Senior Survey Officer shows that he got the registers in respect of the land/crop compensation from the concerned workman in 1977 and that in case of any difficulty he used to approach the concerned workman for clarification.

12. In view of what has been stated above and regard being had to the materials and evidence both oral and documentary in the record, I find that the report of the Enquiry Officer finding the workman concerned guilty of the charge is based on material evidence.

13. The report with finding of the Enquiry Officer appears to have been accepted by the appropriate authority of the Company and the concerned workman was dismissed from service for the misconduct in the form of mis-appropriation of the money in accordance with the Model Standing Orders governing the concerned colliery. The charge itself is grave and accordingly the dismissal of the concerned workman on the establishment of the said grave charge does not appear to be the result of any mala fide action or vindictiveness on the part of the management. The punishment of dismissal as inflicted upon the concerned workman for the charge proved against him is found to be reasonable and justified.

14. Under the reference in question this Tribunal is required to see also whether the management was justified in suspending the concerned workman with effect from 18-11-81. The charge-sheet was given on 18-11-1981 to the delinquent workman concerned with the indication that the domestic enquiry would be held against him; and accordingly the management Company placed him under suspension pending the domestic enquiry on the basis of the charge-sheet. Such being the position, the suspension order was not illegal and the management Company was justified in suspending the delinquent workman concerned from 18-11-1981 pending the domestic enquiry.

15. In view of what has been stated above, I find that the concerned workman is not entitled to any relief.

This is my Award.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. I-19012(25)/83-D.IV(B)]

R. K. GUPTA, Desk Officer

Dated, Calcutta,
13-2-1989.

नई दिल्ली, 28 फरवरी, 1989

का.आ. 559:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-1989 को प्राप्त हुआ था।

New Delhi, the 28th May, 1983

S.O. 559.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial

disputes Tribunal, No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on the 20-2-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 63 of 1988

In the matter of an industrial dispute under Section 10 (1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Allahabad Bank and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. K. Tewary, President, Bihar State Allahabad Bank Employee's Union.

On behalf of the employers : Shri Shrikant Law Officer.

STATE : Bihar

INDUSTRY : Banking

Dated, Dhanbad, the 9th February, 1989

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to the Tribunal for adjudication vide their Order No. I-19012(25)/83-D.IV(A), dated the 20th April, 1988.

SCHEDULE

"Whether the action of the management of Allahabad Bank in terminating the services of the workmen mentioned in the annexure without consulting them for further employment while retaining their bonus under Section 25F of the I.D. Act is justified? If not, to what relief the workmen concerned are entitled?"

The case of the workmen is that the concerned 27 workmen were working as peon-cum-Farash in Allahabad Bank at different branches for different periods on casual basis. The number of days worked by them in the different branches of Allahabad Bank is stated in Schedule I of the W.S. of the workmen. They were illegally retrenched by the Bank although the posts were lying vacant in the different branches where they had worked. The Regional Manager of the Bank had issued a direction that the casual worker should not be allowed to work for more than 90 days in order to deprive them from the right to claim regular appointment under the relevant services regulations. Thereafter the concerned workman never allowed to be engaged continuously by the Bank. The union of the workman filed CWJC No. 2780 of 1980 in the Hon'ble High Court, Patna challenging the legality of the circular of the Regional Manager directing to dismiss the workers before completing 90 days of service. The Hon'ble High Court in its order dated 24-4-82 in CWJC No. 2780 of 1980 directed the Bank to give opportunity and preference to the concerned workman in the matter of future employment in accordance with Section 25H of the I.D. Act. Subsequently in the year 1982 Allahabad Bank made recruitment for the post of peon-cum-Farash but the concerned workmen who were retrenched workmen were not given opportunity and preference in accordance with the Section 25H of the I.D. Act, read with rules 77 and 78 of the Industrial Disputes (Central) Rules, 1957. The Asstt. General Manager of the Bank issued a circular dated 27-6-85 to the Branch Manager to the effect that the name of the employees who had been retrenched and are not the employees of the Bank should not be forwarded in the recruitment into the post of peon-cum-Farash which was advertised by the circular dated 27-6-85. The concerned workman and their union

raised an objection to the further recruitment of the Permanent Peon-cum-Farash by the Bank without giving opportunity and preference to the illegally retrenched concerned workman in accordance with Section 25H of the I.D. Act. When the management refused the request of the concerned workmen, their union raised industrial dispute. During the conciliation proceeding the management of the bank took a false plea that they are following the guideline given by the Ministry of Finance, Government of India and are not obliged to give the statutory preference to the concerned workman under Section 25H of the I.D. Act. The said guideline on which the management is placing reliance is not in respect to the appointment of 4th grade employees. The appointment of 4th grade employees has to be made by the Bank. Moreover the provision of section 25H as over riding effect in view of Section 25J of the Act. Any clause of the guideline cannot prevail over the statutory provisions of law which is mandatory in nature. There are more than 300 permanent vacancies for the post of Peon-cum-Farash in Allahabad Bank within the State of Bihar but the management is not giving any opportunity to the concerned workman for their employment. The illegal retrenchment of the concerned workman and the subsequent denial of opportunity for their re-employment in accordance with the statutory provision is malafide and illegal. The action of the management in not giving opportunity of re-employment to the concerned workman under Section 25H of the I.D. Act and withholding the recruitment for the post of Peon-cum-Farash which was advertised as long as the year 1985 speaks of arbitrary action of the management. On the above facts it is prayed that it may be held that the action of the management in illegally termination the services of the concerned workmen and non-consideration of their names, for further employment while recruiting fresh hands violating the mandatory provisions of Section 25H of the I.D. Act is illegal and unjustified and the concerned workman are entitled to reinstated with full back wages.

The case of the management is that Allahabad Bank is a nationalised Bank having its head office at Calcutta Zonal Office at Patna and Regional Office at Patna, Ranchi, Bhagalpur and Muzaffarpur. The Bank has not undertaken any recruitment process for the post of Peon-cum-Farash since 1983 and as such there is no question of calling fresh hands for recruitment ignoring the casual workers including the concerned workmen. Quite contrary to the allegation of the union the Bank has got a notice published in the local newspaper namely Nababharat Times dated 29-6-88 calling the all concerned persons who worked as temporary subordinate staff for more than 90 days for the forthcoming recruitment for Peon-cum-Farash. The case of the concerned workmen do not come under the purview of retrenchment. Their case is a case of non-renewal of contract under Section 2(o)(bb) of the I.D. Act. Hence it does not attract section 25H of the I.D. Act. The intention and deeds of the management are bonafide which is evidence from the fact that the Bank has published a notice to afford an opportunity in the forthcoming recruitment test of Peon-cum-Farash to those who worked in temporary employment for more than 90 days. The Bank has not called for fresh hands for recruitment ignoring the concerned workman and adequate opportunity has been given in the forthcoming recruitment process.

CWJC No. 2780 of 1980 was filed in the case of one B. N. Thakur wherein the Hon'ble Court dismissed the Writ observing to give opportunity to Shri B. N. P. Thakur and others. Subsequently a contempt proceeding was filed before the Hon'ble High Court Patna but the same was withdrawn and a fresh Writ No. 3195 of 1985 was filed which also was dismissed by the Hon'ble High Court at Patna. The union challenged the judgement of the Hon'ble High Court in SSDP No. 1499 of 1985 before the Hon'ble Supreme Court of India. The said SLP was dismissed vide order dated 24-2-86 in view of the Bank's letter dated 27-6-85 affording an opportunity to Shri B. N. P. Thakur and other two persons were already given employment. The circular under reference was internal in nature and meant for the confirmed full time/part time sweepers and was issued to the Branch Manager/Regional Manager to receive application from the willing and eligible confirmed full time/part time sweepers as a part of the recruitment process. While obtaining applications from

different sources as per rules of the Bank, instructions and requests were sent separately to different authorities. In the circular referred to above a similar request was made to the Branches/offices of the Bank asking them to forward applications received from full/part time permanent sweepers. It did not mean that the channel to receive applications from the candidates who worked temporarily had not been created and did not exist. The applications from persons who worked temporarily is separately and directly dealt with and this did not involve the branches. It is wrong to say that by the circular the branches of the Bank were instructed not to forward he application from such candidates. On the above facts it is proved on behalf of the management that the concerned workman are not entitled to relief.

The schedule to the order of reference is some what confusing and is not very clear. However, we may separate the issues under two heads. The first issue to be considered in this case is (1) whether the action of the management of Allahabad Bank in terminating the services of the concerned workman was proper and (2) whether the action of the management in not considering the concerned workman for further employment under Section 25H of the I.D. Act while recruiting fresh hands is justified?

None of the parties adduced any oral evidence and they entirely dependent on the documents filed in this case. The documents filed on behalf of the workman are marked Ext. W-1 to W-7 and the documents filed on behalf of the management are marked Ext. M-1 to M-3 admission.

Point No. 1

Admittedly the concerned workmen were working on casual basis (para 2 of the W.S. of the workmen). It appears from the case of the workmen that some of the workmen had worked for more than 240 days and as such their retrenchment from service of the management was unjustified as the condition precedent to retrenchment of workmen was not complied with. In accordance with Section 25-F of the I.D. Act, no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until (a) workmen has been given one month notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice wages for the period of the notice, (b) the workman has been paid at the time of retrenchment compensation which shall be equivalent of 15 days average pay for every completed year or continuous service of any part thereof in excess of 6 months (c) notice in the prescribed manner is served on the appropriate Government. Except for the number of days worked by each concerned workman stated in the schedule to the W. S. there is no mention regarding the period during which the said attendance was acquired by the concerned workman. Continuous service is defined in Section 25-B of the I.D. Act. A workman shall be said to be in continuous service for a period if he has, for that period in uninterrupted service. Clause 2 of Section 25-B provides that where a workman is not in continuous service within the above for a period of one year or 6 months he shall be deemed to be in continuous service under an employer for a period of one year if the workman during a period of 12 calendar year months preceding the date with reference to which calculation has to be made, has actually worked under the employer for not less than 190 days in the case of workman employed below ground in a mine and 240 days in any other case. Thus to establish that any of the concerned workman was in continuous service it has to be established that he had attendance of 240 days of attendance in the Bank during the period of 12 calendar months preceding the termination of their service. There is absolutely no evidence to show the number of years or the period during which the concerned workmen had worked for the days mentioned in the schedule to the reference. Hence it is not possible to come to a conclusion that any of the concerned workman had acquired attendance of 240 days within 12 calendar months preceding the date of the termination of their service. This matter is a question of fact and unless a question of fact is established it is not possible to come to a conclusion that the concerned workmen was in

continuous service for not less than one year. In this view of the matter and in view of the fact that the workmen have not established that they were in continuous service of the management for more than one year, they cannot claim the advantage and the condition precedent to the stoppage of their work. If the concerned workman have not completed continuous service for over one year they cannot claim for the fulfilment of the conditions required under Section 25-H of the I. D. Act. As the facts have not been established, I hold that the termination of the concerned workmen was proper.

Point No. 2.

It is admitted in the W.S. of the management that the Bank has not undertaken any recruitment process for the post of Peon-cum-Farash since 1983 and as such there is no question of calling fresh hands for recruitment ignoring the casual workers. It is further stated that the Bank has got a notice published in the local newspaper Navabharat Times dated 29-6-1988 calling all the concerned persons who worked as temporary subordinate staff for more than 90 days in the forth coming recruitment process of Peon-cum-Farash. The workmen have not specifically denied in their rejoinder to the W.S. of the management that the management has made recruitment of Peon-cum-Farash after their appointment or that the management has not published any advertisement in Navabharat Times dated 29-6-1988 calling all the concerned persons who worked as temporary subordinate staff for more than 90 days for the forthcoming recruitment of Peon-cum-Farash. It appears from Ext. W-4 which is a circular dated 27-6-1985 in respect of recruitment of Peon-cum-Farash, it is stated by the workmen in their W.S. that the Regional Manager of the Bank had issued direction that the casual workers should not be allowed to work for more than 90 days as the same gives a right to claim regular appointment under the relevant service regulations. The union of the workmen filed CWJC No. 2780 of 1980 in High Court of Patna challenging the legality of the said circular issued by the Regional Manager, directing to dismiss the workers after completion of 90 days of service. The Hon'ble High Court did not quash the circular of the Regional Manager but it directed in the order dated 24-11-1982 that the Bank will give opportunity and preference to the concerned workmen in the matter of future employment in accordance with Section 25-H of the I. D. Act. Ext. M-1 is the order dated 20-9-1988 passed in CWJC No. 5909 of 1988 in which the Bihar State Allahabad Bank Employees Union was the petitioner and Allahabad Bank and another were respondents. It will appear from the said order that the union made a grievance that the Allahabad Bank is going to make appointment against class IV posts without considering the case of retrenched employees in accordance with Section 25-H of the I. D. Act. A counter affidavit was filed before the Hon'ble High Court on behalf of the Bank in which it was stated that the Bank has taken a decision to call such person who were engaged to perform certain jobs of casual nature in the Bank for more than 90 days and who fulfilled the criteria of age, educational qualification for the posts in question. It was also pointed out on behalf of the Bank that this very dispute was referred to the Presiding Officer, Central Government Industrial Tribunal No. 2, Dhanbad and as such this court should not exercise discretionary power under Articles 226 and 227 of the constitution before the Tribunal decides the dispute. It was pointed out by the union that while the dispute is pending adjudication before the Tribunal the Bank should fill up all the vacancies against which retrenched employees could have been appointed in accordance with Section 25-H of the I. D. Act. After hearing the parties their Lordship directed that the reference pending before the Tribunal be disposed off preferably within 4 months from the date of production of this order and in the meantime it will be open to the Bank to consider question of appointment to the vacant post in question applying the provision of Section 25-H of the I. D. Act. Their Lordship further made it clear that if outsiders are appointed against those posts they shall not be made permanent till the reference case aforesaid disposed off and their appointment shall be subject to the result in the aforesaid reference case. Ext. M-2 is the forwarding letter by the additional Registrar of the Hon'ble Supreme Court dated 7-3-1986 by which an order of the Hon'ble Supreme Court

dated 24-2-1986 was sent to the Bank. The order of the Hon'ble Supreme Court passed in C.W.J.C. No. 3195 of 1985 is Ext. M-3. By the said order the Special leave petition filed by the union was dismissed with observation that the Bank in terms of its letter dated 27-6-1985 will allow an opportunity to petitioner B.N.P. Thakur to appear at the next test to be held by the Bank and for the said purpose he should approach the Bank. It will appear from the above that the management of the Allahabad Bank was directed to follow the provision of Section 25-H of the I. D. Act in making the recruitment for the post of Peon-cum-Farash and that the concerned workmen should be given opportunity for re-employment. Section 25-H of the I. D. Act provides that where any workman is retrenched and the employer proposes to take into his employ any person, he shall in such manner as may be prescribed, give an opportunity to the retrenched workman who are citizen of India to offer themselves for re-employment, and such retrenched workmen should offer themselves for re-employment shall have preference over other persons. The said section only gives a right to a worker to have preference in the matter of re-employment. There is nothing in the section which gives him a right to secure employment of his previous terms and conditions of service. The only right available to the retrenched hand is of preference in securing employment in view of the fact that he had been previously employed. This Tribunal therefore under Section 15-H of the I. D. Act cannot pass any order to the management of the Bank for recruiting the concerned workmen as Peon-cum-Farash. What the management can be directed is to give preference as embodied in Section 25-H of the I. D. Act. In view of the fact that the management of the Bank has notified for giving preference to all the concerned workmen under Section 25-H of the I. D. Act who have worked for more than 90 days in the Bank, the Bank is trying to follow the provisions of law. The order of the Hon'ble Court is confined to Section 25-H of the I. D. Act. No doubt it appear that many years have passed since the stoppage of the work of the concerned workmen and the advertisement made for the post of Peon-cum-Farash in the year 1985 due to litigation pending before the Hon'ble High Court and Hon'ble Supreme Court it is now high time that the recruitment should be made giving opportunity to the concerned workmen without further delay.

In the result, I hold that the action of the management of Allahabad Bank in terminating the services of the concerned workmen is justified. Now as the management of the Bank has notified for giving opportunity to all the concerned workmen who had completed 90 days of service in the Bank prior to the stoppage of their work in the Bank there is no need to hold that the action of the management in not considering them for further employment while recruiting fresh hands is unjustified. The management however, is directed to hold the test for the appointment of Peon-cum-Farash within 2 months from the date of publication of the Award in the Official Gazette and consider the case of the concerned workmen under Section 25-H of the I. D. Act. If any Peon-cum-Farash has been appointed in the meantime the concerned workmen selected in the test should be given seniority as held by the Hon'ble Judges of Hon'ble Patna High Court in CWJC No. 5909 of 1988.

This is my Award.

Sd/-

I. N. SINHA, Presiding Officer.

[No. L-12012/470/87-D. II(A)]

N. K. VERMA, Desk Officer.

ANNEXURE

(Name of the Workmen as mentioned in the Schedule of reference)

1. Shri Rajendra Pd. Rajk.
2. Shri Yugal Kishore Singn.
3. Shri Mahendra Pd. Rajak.
4. Shri Rajendra Prasad.
5. Shri Yogendra Prasad.
6. Shri Rajendra Singh.
7. Shri Mahendra Poddar.

8. Shri Dhananjay Paswan.
9. Shri Bishundeo Choudhary
10. Shri Rajo Paswan.
11. Md. Samsuddin
12. Shri Basishtha Singh.
13. Shri Bijay Kumar Rai.
14. Shri Birendra Kumar
15. Shri Ram Kewal Rajak.
16. Shri Narayan Ch. Rawani.
17. Shri Panchlal Rajk.
18. Shri Jitendra Kr. Singh.
19. Shri Ram Avtar Singh.
20. Shri Mahendra Rajak.
21. Shri Dwarika Kr.
22. Shri Krishna Murari Pd.
23. Shri Raj Kumar.
24. Shri Binod Kr. Rajak.
25. Shri Narendra Pd. Gupta
26. Shri Nageshwar Ram
27. Shri Mohan Prasad.

Vs.

II PARTY

The Chairman-cum-Managing
DirectorBharat Gold Mines Limited
Corgaum K.G.F. 563120.

APPEARANCES :

For the I party Shri K. Subba Rao, Advocate.

For the II party Shri K. J. Shetty, Advocate.

AWARD

By exercising its powers under Section 10(1)(d) and (2A) of the I.D. Act, the Government of India, Ministry of Labour made the present reference on the following point of dispute by Order No. L-43012/21/85-D.III(B) dated 9th April, 1987.

Point of Reference

"Whether the action of the management of Bharat Gold Mines Limited, Kolar Gold Fields in dismissing Shri M. Selvan, Asstt. Supervisor, Watch & Ward Sst. Champion Reefs w.e.f. 8-3-85 is justified? If not, to what relief is the workman entitled?"

2. The I party workman has filed his claim statement and inter alia, it is contended as follows.

नई दिल्ली 3 मार्च, 1989

का.प्र. 560:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माईन्स लिमिटेड कोलार गोल्ड फील्ड्स के प्रबन्धन में सम्बद्ध निधियों और उनके कर्मचारियों के बीच, अनुबन्ध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-2-1989 को प्राप्त हुआ था।

New Delhi, the 3rd March, 1989

S.O. 560.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore are shown in the Annexure. In the industrial dispute between the employers in relation to the management of Bharat Gold Mines Ltd., Kolar Gold Fields and their workmen, which was received by the Central Government on the 21-2-1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT
BANGALORE

Dated 15th February, 1989

Central Reference No. 80/87

I PARTY

Shri M. Selvan
President,
Bharat Gold Mines
Workers Union
Corgaum Post
K.G.F. 563120.

He joined the service in the erstwhile John Taylor & Co. Kolar Gold Fields in the Watch & Ward Department. He was promoted as Assistant Supervisor. Subsequently, the company was nationalised. Thereafter, it is called as Bharat Gold Mines Limited. He has put in a 34 years of unblemished service. He has been illegally dismissed from service. He has been victimised for his trade union activities. It was alleged that he was connived and abetted one Shri Mutharasu to misappropriate a lorry load of cement from New Golconda Stones on 24-2-1984 at about 4 p.m. from the main gate. It was further alleged that he had allowed a private lorry to take away 182 bags of cement. It was further alleged that the cement was transferred under Transfer Note No. 4115 dated 23-2-1984 and that he had not checked up the signature of the authorised officer and that he had taken the duplicate copy of the material transfer note with himself after the lorry had been passed out. It was further alleged that he did not comply with an act of checking according to the prescribed procedure for passing out the material after 4 p.m. After the receipt of the Chargesheet, he gave his explanation dated 25-3-84. He denied the charges. On 24-2-1984, after completing his duty at Golconda shaft he was returning at about 3.20 p.m. and the General Duty Watchman No. 3, Sri Doraiswamy met him on his way and told him that the store keeper of Golconda shaft was in search of him and he had to return 200 bags of cement taken on loan from BEMI. He had submitted in his written statement that he returned to Golconda shaft at about 3.20 p.m. and saw a private lorry MYX 4922 at the entrance and on seeing him Sri Mutharasu, Stores Incharge of Golconda shaft told him that he had to return 200 bags of cement to BEMI and he pointed to the Material Transport Note. He trusted Mutharasu and permitted the lorry to enter the shaft and he was standing at the gate. In his written statement, he has further submitted that he had asked Mutharasu whether he had obtained permission from the competent authority to shift the material in a private vehicle, but Sri Mutharasu told him that it was not the first time that the material was transported in a private lorry. He also pointed out to him the previous material transport note wherein 100 bags of cement had been sent to BEMI in a private lorry. On further questioning the I party Selvan was told that Material Transport Note was sufficient to send cement from the mining area to BEMI and there was no need to get any pass. The I party workman then stamped the material note and gave it to Mutharasu and kept one copy with him to make an

entry of the same in the gate book on the next day. Since the gate clerk was not there. Thereafter the said lorry left Colconda shaft and he returned home. Before the Security Officer, he denied the charges. The enquiry held against him is against the rules of natural justice. He gave his representation dated 5-1-85. By an order dated 8-3-85, he was dismissed from service. A show cause notice, dated 15-5-85 to forfeit his gratuity was issued. He has given his explanation dt. 25-5-85. He had filed an appeal. Then he raised the present dispute. Except a copy of the complaint, no other document was given to him. Deputy General Manager was not competent to issue the chargesheet. The enquiry is vitiated, because he has not permitted to take the assistance of a lawyer. In the absence of such assistance, he had taken the assistance of one Arthur. List of witnesses and documents were not given to him. The Enquiry Officer did not explain to him the procedure of enquiry. The evidence was not recorded correctly. Some of the material question were not recorded. He was not given fair opportunity to cross-examine the witnesses and the examine his own witness. The findings of the Enquiry Officer are perverse. The reason given by the Enquiry Officer are not correct. A second show-cause notice was issued to him. His reply to the same was not considered. His past record was not taken into account. The action of the II party is illegal. At the instance of some persons who are enigmically disposed towards him, the management has dismissed him. The management has indulged in unfair labour practice. The order of dismissal may be set aside and he may be reinstated with consequential benefits.

3. The management has filed its counter statement and interalia, it is stated as follows.

A show-cause noticee was issued to him, that he has connived with and abetted Mutharasu to misappropriate a lorry load of cement from New Golconda stores on 24-2-1984 by allowing a private lorry to take away 182 bags of cement without taking the signature of the officer and keeping the duplicate copy of the material Transport Note with himself. He submitted his explanation dated 25-3-84. It was not satisfactory. He was given reasonable opportunity to defend himself and to produce his witnesses. He was given opportunity to cross-examine the management witnesses. The Enquiry Officer found him guilty of the charges. The disciplinary authority after going through the report pronounced the punishment of dismissal and issued a second show-cause notice. He gave his explanation dated 6-1-1985. The disciplinary authority found no extenuating or mitigating circumstances. He was dismissed from service by an order dated 8-3-1985. He was of the security department and the gravity of the misconduct committed by him was such that the punishment of dismissal was found to be reasonable. The reference may be rejected.

4. In view of the said pleadings, one additional issue was raised as shown below.

"Whether the II party proves that it has held the domestic enquiry against the I party workman in accordance with law?"

5. The management has examined one witness and got marked Exs. M-1 to M-15.

6. The workman has examined himself.

7. The parties were heard.

8. By a considered order dated 3-10-88, a finding has been recorded on Issue No. 1 that the management has held the domestic enquiry in accordance with law.

9. Thereafter, the parties were called upon to adduce further evidence if any and argue the matter.

10. No further evidence has been adduced by either party.

11. My finding on the point of reference is as follows :—

The action of the management of Bharat Gold Mines Limited, Kolar Gold Fields in dismissing Shri M. Solvan,

Asstt. Supervisor, Watch and Ward Estt with effect from 8-3-1985 is justified. He is not entitled to any relief.

REASONS

In para 8 of the claim statement, the I party has contended that there were inconsistent statements of the management witnesses, there were certain missing links in the case of the management and that the Enquiry Officer has wrongly found him guilty. It is further contended that the reasons shown by the Enquiry Officer are irrelevant and cannot be accepted. The learned counsel for the I party contended that the charge framed against him itself is vague and illegal that the management has not established the charge and that the workman deserves the relief sought for.

13. On the other hand, it was contended for the management that the chargesheet issued to him is precise, brief and accurate, that the evidence produced by the management has satisfactorily established the charge and that the findings of the Enquiry Officer cannot be called as perverse.

14. The chargesheet issued against him is at Ex. M-3. It reads that it was reported that he had connived with and abetted Shri Mutharasu to misappropriate a lorry load of cement from New Golconda Store on 24-2-84 at about 4 p.m. at New Golconda Shaft main gate, in as much as he had allowed a private lorry to carry away 182 bags of cement with code No. 030450 as against 200 bags mentioned in the material transfer note bearing No. 4115 dated 23-2-1984. It is further alleged in the chargesheet that he did not check up whether the document contained the signature of the authorised officer and whether reference number shown in the Material Transfer Note was proper and that he had himself taken the duplicate copy of the said document (green in colour) after passing out the lorry. It has been then alleged that he did not follow and comply with the prescribed procedure such as obtaining due permission of the competent authority for passing out the material after 4 p.m. and that he did not check up and see whether the Material Transfer Note was accompanied with a gate pass. It is then alleged that he thus committed misconduct under Rule 5(2) and 6 of the DOMC Employees Conduct, Discipline and Appeal rules.

15. In order to examine the contention of the I party that the findings of the Enquiry Officer are perverse, it requires to be seen as to what is the connotation of a perverse finding.

16. Perversity has two tests. The first test is that whether the Enquiry Officer has based his findings on no evidence or on evidence which was not legally admissible. The second test is that whether on the basis of the material produced before the Enquiry Officer any reasonable person could have arrived at the findings complained of.

17. The management examined the following witnesses before the Enquiry Officer.

MW-1 Daniel, Chief Supervisor, Security and Vigilance.
MW-2 Capt. Paul Anthony, Security Officer.

MW-3 Bajarangalal, Special Duty Watchman.

MW-4 Balaram, Assistant Manager.

AND

MW-5. A. C. Sitaram

Thereafter, the workman Selvan has himself given evidence before the Enquiry Officer. There is no plea raised by the I party that any part of the evidence of the afore-said witnesses was inadmissible and that the Enquiry Officer has wrongly admitted the same. The Enquiry Officer has relied upon documents as per Ex. P-1 to P-9. Ex. P-1 is a material transfer note dated 23-2-1984. It is pink copy. Ex. P-2 is a yellow copy of the same document. Ex. P-3 in the despatch advice dt. 3-9-1983. Ex. P-4 is the book containing a circular showing the officers of the BGMI, who are authorised to sign store chita and gate passes. Ex. P-5 is the card showing the receipt of cement bags, Ex. P-6 is the

stock card, Ex. P-7 is the indent dt. 3-12-83. Ex. P-8 is the Material Transfer Note (green copy), Ex. P-8 (a) is another material transfer note dated 14-8-83 (green copy). Ex. P-8 (b) is still another Material Transfer Note dated 18-8-83, yellow copy. Ex. P-8 (C) is another Transfer Note dated 18-8-83 (yellow copy), Ex. PR another yellow copy dt. 18-8-83 and Ex. PQ is another Material Transfer Note dated 14-8-83, green copy Ex. P-9 is the N. G. Stores Cement stock card. Per se all these documents are original documents, whether they are first copies or carbon copies, and no submission has been made before me, contending that any one of these documents was not admissible in evidence but that the Enquiry Officer has wrongly admitted the same.

18. On going through the oral and documentary evidence, I find that the findings of the Enquiry Officer cannot be held to be perverse for the reason that he has relied upon any in admissible evidence. Now, it required to be examined whether any reasonable person could have arrived at the findings, as recorded by the Enquiry Officer on the basis of the evidence produced before him.

19. The witnesses examined before the Enquiry Officer have been shown as PW-1, PW-2 etc., so as to distinguish them from the witnesses examined before this Tribunal. PW-1 Daniel is the Chief Supervisor of the security and vigilance department. It appears in his evidence that on 24-2-1984 at about 2.30 a.m. The Chief Vigilance Officer, Sri Philip had received some information that one lorry was being transported unauthorisedly from New Golconda Shaft in the afternoon and therefore he had inquired about it. It further appears in the evidence of PW-1 Daniel that he then contacted PW-5 Sitaram the Chief Security Officer and after getting him to his Office, chalked out a plan to keep waiting and to catch hold of the lorry. It further appears in his evidence that they had also sought the assistance of PW-2 Paul Anthony, Security Officer, and that PW-1 Daniel and PW-5, Sitaram had kept waiting near the industrial training institute compound whereas Paul Anthony had kept waiting near the I.T.I. gate with a motor cycle. The evidence of PW-1 Daniel then shows that at about 3 p.m. they saw a private lorry with some coolies proceeding towards the New Golconda Shaft (henceforth called as NGS mines) main gate and that they further saw that the lorry was stopped by the watchman at the gate. The evidence of PW-1 Daniel and PW-2 Sitaram then shows that the lorry was parked at a distance of about 100 yards since the watchman did not permit the lorry to go inside. Their evidence further shows that after some time, the I party workman Selvan who was then working as the General Duty Assistant Supervisor went inside the gate in his uniform and after about some minutes, the gate was opened by the watchman and the lorry went inside the NGS mines. They have then stated that at about 4.45 p.m. the said private lorry along with the cement bags and coolies came outside the NGS mines and the I party Selvan and the watchman allowed the lorry to go outside. The evidence of PW-1 Daniel PW-5 Sitaram and PW-2 Paul Anthony further discloses that the lorry was chased and stopped and brought back to the gate of the mines and further enquiry was taken up. As per their evidence it is to be found that they questioned the lorry driver and they were told that the store incharge of NGS by name Mutharasu had issued the cement bags and that the material transfer note produced by him was dated 23-2-1984. The document is marked as Ex. P-1. The material transfer note however indicated that it was signed by Stores Officer, Paul Lazarus and it had been dated as 14-8-83. They further found that the document showed that 200 bags of cement had been returned to BEML taken on loan and since the very nature of the document was found to be suspicious, these witnesses have stated that they made further enquiries. Their evidence further discloses that they asked the lorry driver whether they had entered into any contract with the company to transport the cement but he stated that he had been hired only for that day for the charges of Rs. 150 by some persons working in the stores. The evidence of these witnesses then proceeds to show that they contacted Chief Materials Manager Shri A. V. Ramaswamy and the said Ramaswamy

deputed PW-4 Balaram, the Assistant Manager (marketing), who was incharge of the stores to go and find out the details. Their evidence then shows that after PW-4 Balaram arrived at the spot, he examined the documents and found that the material transfer note was not genuine. According to them they then called Mutharasu and on questioning him he admitted that he had transported the cement bags unauthorisedly for his personal gain, and that he did so on account of his poverty. The evidence of all these witnesses then discloses that subsequently various officers, such as Natarajan, K. M. Narasimhamurthy, Gopalakrishnan, Prasad Rao were contacted and that the workman Selvan was called and a copy of the Material Transfer Note was found with him. The evidence of these witnesses pointedly shows that no private lorry is permitted either to go inside or to go outside the mines as per the established practice at that time. The explanation given by the watchman PW-3 Balaranjai was that because the I party Selvan asked him to permit the lorry to go inside and to take away the cement outside, he permitted the lorry to take away the cement bags.

20. The learned counsel for the management submitted before me that the important facts showing the guilt of the I party workman are that after he went to the NGS mines, he talked with Mutharasu for some time and only then he asked the watchman to permit the lorry to go inside and allow the cement bags to be loaded. Though, it was the duty of the Assistant Supervisor, the I party Selvan to count or get the bags counted through the watchman and to see whether the quantity of bags is correct, as shown in the material transfer note, he did not do so. Thirdly it was urged that it was the duty of the I party Selvan to see whether the material transfer note had been signed and dated by the officer who had been authorised to sign and issue such notes at that point of time, i.e. in February 1984. It was then urged that without a written pass from the superior officers, the practice was that no private lorry can take away any goods outside the mines, after the closure of the mine for the day and 4.45 p.m. was admittedly the time after the closure of the mines. It was then contended that the format of the document Ex. P-1 is used only for internal transport of the material and the very fact that a private lorry was taking the goods on the basis of such a material transfer note should have been the ground for Selvan to refuse the private lorry to go inside or to carry the goods outside. It was then urged that the practice is that a copy of the material note shall have to be kept at the office itself, after making the necessary entry in the book kept for that purpose at the gate, but whereas the copy was found in the pocket of Selvan. The learned counsel for the II party contended that all these factors conclusively establish that the I party workman Selvan had acted in such a manner so as to facilitate the illegal transport of 182 bags of cement from the NGS mines.

21. The learned counsel for the I party contended that in the charge Ex. M-3, it has been alleged that the I party Selvan has connived and abetted Mutharasu to misappropriate a lorry load of cement from the NGS stores on 24-2-84, but the evidence on record does not show that he either connived or abetted and that the order of dismissal is illegal. The learned counsel pointed out to Section 107 of the Indian Penal Code to explain about the meaning of abetment.

22. On the other hand, the learned counsel for the II party pointed out to explanation 2 appearing in Section 107 and urged that the acts and the omissions on the part of the I party Selvan are such that they are incompatible with his innocence and that they irresistibly indicate that in order to facilitate the commission of the said illegal act by Mutharasu, he indulged in them.

23. In order to appreciate the aforesaid contention of the Parties, it would be better to look into the contentions put forth by the I party workman. The enquiry file produced by the management shows that the chargesheet was issued to him, as per Ex. M-3 along with the memo dated 8-3-1984 Ex. M-2, and the workman had given his explanation dated 25-3-84. Some of the portions of the said explanations read as follows :

On 24th February, 1984 after completing my duty at Golkonda Shaft, I was returning home at about 3.20 p.m., General duty Watchman, No. 3 Sri Doraiswamy met me on my way to my house and informed me that the Store Keeper of Golkonda Shaft is in search of me as he has to return 200 bags of cement which was taken on loan from Bharat Earth Movers Limited.

As the matter was urgent, I returned to Golkonda Shaft at about 3.30 p.m., I noticed a private lorry No. MYK 4922 was standing at the entrance. After seeing me Sri Mutharasu, Stores incharge of Golkonda Shaft approached me and explained that he has to return 200 bags of cement to Bharat Earth Movers Limited and showed me the Material Transport Note. I trusted him and his statement and permitted the lorry to enter the shaft and I was standing at the Gate.

At 4.45 p.m. the lorry loaded with cement approached the entrance. I stopped the lorry since the cement was not properly loaded. I and Special Duty Watchman could not count the bags and I only verified the Stores Keeper Chit.

Subsequently I have asked him whether he has obtained permission from Competent Authorities to shift materials in a private vehicle for which he had replied that, that was not the first time that materials are transported in a private lorry and he had shown me the previous Material Transport Note where in 100 bags of cement have been sent to Bharat Earth Movers Limited in a private lorry.

Sri Mutharasu is incharge of stores for Cement and he used to send cement to Taylors Shaft, Golkonda South Shaft, Morrison Shaft etc., and as he produced the Materials Transport Note, I questioned him about the Gate Pass for it.

Mr. Mutharasu said that the Material Transport Note is sufficient to send cement from Mining area to Bharat Earth Movers Limited and there was no need for the Gate pass. I stamped the Materials Transfer Note, gave two to Sri Mutharasu and kept one with me to enter the articles into the Gate Book on the following day, as there was no Gate Clerk and the Gate Book used to be with him.

When the Lorry left the Golkonda Shaft, I returned to my house.

I have not committed and it has not been established that I indulged in theft, fraud or dishonesty in connection with the business or property of the Company or property of any other person within the premises of the Company and either the Captain Paul Anthony, Security Officer in his not established that there was any attempt from me to behave or to act in any manner prejudicial against the interest of the Company which is paramount important to me.

Now I realise that it is an act of Sri Mutharasu and his gang who have preplanned to remove the cement from Golkonda Shaft under the guises of sending it to Bharat Earth Movers Limited. All the passes and Material Transport Note appeared as an eye wash to cheat me and the Special Duty Watchman.

24. Before the Enquiry Officer on 1-10-1984 and 4-10-84, the I party Selvan has given his evidence. The enquiry proceedings have been marked as Ex. M-9. His evidence has been recorded from pages 22 to 27. In his evidence given on 4-10-84, he has stated as follows :

On 24-2-84 at about 3.15 p.m. one Shri Doraiswamy No. 3, GD Watchman came to my house and informed me that Shri Bajirangloli, S.D. Watchman NGS Gate tried to contact me over telephone, as the

store personnel wanted to transport one lorry load of cement to BEML, which was taken on loan. Shri Bajirangloli has also stated the same in his deposition. Hence I went to NGS Gate, and enquired the driver of the private lorry concerned with this case. One more person was sitting with him, I cannot identify him. He showed me loan return note. Subsequently Shri Mutharasu, Store Keeper also came to the gate and said that one lorry load of cement was to be transported to BEML on the previous day itself. (23-2-84). He also showed MTN in question (Ex. P.1) wherein it was mentioned 'Return of loan to BEML.' I had come across many similar transactions, and hence I did not have any doubt about the transaction. I told him to correct the date of passing out of the MTN, but he said that this was already shown to the Gate Clerk, Shri Venkatesh, and hence Shri Venkatesh would make the alterations while making the entries in the Material Pass out Register maintained at the Gate. As this is in accordance with the existing practice, I kept the duplicate copy of the MTN with me in order to make the necessary entries in the pass out Register on the following day. Shri Mutharasu was insisting me to handover the MTN to him so that he himself would make the alterations also the entries in the register on the following day. I replied him that since I would be coming to the Gate clerk every day, I would hand over the MTN to him. Even at that stage I did not have any doubt about the transactions. Subsequently after observing normal procedure the lorry went. I returned to my house then. At about 6.15 p.m. people at my house informed me that the S.O. Shri P. Anthony wanted me to call at NGS immediately. (when he telephoned, I was at the market). Accordingly, I went to NGS where I saw the CSO. S.O. Shri Paul Anthony who enquired me about the transportation of cement. I narrated what I stated earlier. The APM Shri Natarajan asked me to hand over the duplicate copy of MTN retained by me, and I handed over the same to him. When I came to understand that the said transaction is unauthorised, I was confused and upset. The APM took a sit. from me and I signed. Around 7.45 p.m. they asked me to go home and report to Security Officer on the following day. I am no way connected with this unauthorised transportation of cement, and I had acted as an Asstt. Supervisor of Watch and Ward following the normal procedure and the existing pattern of approach. I had served this Company for nearly 36 years and I have a clean service card without any adverse remarks. If at all I had committed any fault, definitely it is not pre-planned and also not for my personal gain. I will also assure that I will be careful in future in my work. I therefore request you to consider my long service and poor family and absolve me from the charge levelled against me. I have trust in man and faith in God. I do not want to examine any witnesses on my behalf.

25. After the Enquiry Officer gave his findings as per Ex. M-10, the management had issued to him the second show-cause notice as per Ex. M-11. The workman Selvan had given his reply as per Ex. M-12. The statements made by the I party Selvan in Ex. M-12 are similar to those reproduced above. He reiterates that he had no business to disobey the instructions of Mutharasu and therefore he had allowed the lorry. The learned counsel for the I party has laid special emphasis on Ex. M-15, which was marked as Ex. P-4 by the Enquiry Officer. It is a statement dated 24-2-84 submitted by Mutharasu to the management. It was argued on the basis of Ex. M-15 that Mutharasu is the sole person who is responsible for the transport of the lorry load of cement and that the I party workman is innocent. The letter of Mutharasu, Ex. M-15, in my opinion does not absolve the I party Selvan from what was expected of him. The crucial point is whether the evidence produced by the management leads to a conclusion that he intentionally did the said acts or omitted to do he acts enjoined by the procedure and the rules of the Company and thus facilitated in the

transport of cement. In the xerox copy of the commentary on Section 107 of the I.P.C. produced before me, it appears on page 240 that the intention should be to aid an offence or to facilitate the commission on an offence. In the present case whether Selvan had such an intention or not shall have to be gathered from the oral evidence of these witnesses, such PW-1 Denial, PW-2 Paul Anthony, PW-3 Bajrangalal PW-4 Balam and PW5 Sitaram. In addition, the statements of the workmen which contain several admissions shall have to be viewed in the light of the evidence of the management witnesses. The documents produced by the management go a long way in depicting whether the workman had such an intention or not. PW-1 Denial had been questioned as follows.

The question and answers are as follows:

Q. 22: I am telling that I was forced to get myself involved in this case due to defective systems and I might have acted innocently believing the Store Clerk based on routine practice?

A. : As an officer of Vigilance Department I had visited various stores for checking and according to my view there is no defective system. Sri Selvan has independently incharge of Mysore Mine division for a considerable period of time and hence he knows fully the established system prevalent in security systems. In case he had any doubt about the material transfer note he could have immediately got it clarified by contacting his superiors and the concerned persons. I cannot say Sri Selvan is innocent or not. I have placed all my observation and facts before the enquiry officer.

The answer given by the witness shows that there was no question of the workman being forced to get himself involved in the matter. There has been no explanation from the side of the workman that he had entertained any doubt regarding the material transport note and whether it contained the signature of the competent officer. No submission has been made that the workman ever tried to contact his superior officers on the ground that he had entertained any doubt. PW-2 Paul Anthony has given as many as 9 reasons as to why the I party workman should not have allowed the cement to go outside the NGS mines. The reasons given by him are as shown below:

1. Material transfer note was dated 23-2-84 but passed out on 24-2-84.
2. The reference No. of BEML letter given in the Material transfer note was incomplete.
3. The signature of the Officer on the material transfer note was dated 14-8-83 and this Officer was at Ramagiri Project.
4. Under the material transfer note only inter-store transfer of materials can be carried out whereas the cement was destined for DEML.
5. Sri Mutharazu being a clerk-in-charge is not authorised to sign the material transfer note.
6. Materials passed out under material transfer note are transported only through BGML vehicle and not by private vehicles.
7. The material transfer note should have been accompanied with a Gate Pass duly signed by the Officer so authorised for the purpose.
8. The private lorry MYK-4922 was passed out at 4.45 p.m. whereas as per the existing instructions of the Mines no vehicle should be allowed in shifts without the permission of the concerned Managers after 4.00 p.m.

In the cross-examination PW-2 Paul Anthony has reiterated that no private lorry should have been allowed after 2 p.m. and that no material should have been allowed out of the mines on such a material transfer note, which is used only for internal transfer of goods. The witness has emphatically denied that Mutharazu had any authority to sign such transfer note. He has pointedly stated that it requires to be signed

by the stores Officer and cannot be signed by a Stores Clerk. To a specific question, that it is not the duty of the watchman to count the items before the goods are permitted to be taken out, PW-2 has stated that it is the responsibility of the Assistant Supervisor to count the number of bags and that it is the duty of the watchman to count the bags if the Assistant Supervisor asks him to do so. The evidence of PW-3 Bajrangalal, the watchman disclose that when the lorry came to the gate at about 3 p.m. he told the driver that he cannot allow the lorry inside unless he is ordered to do so by the supervisor or an assistant supervisor, and especially so when the gate clerk had gone away after the shift was over at 2 p.m. His evidence further discloses that then Mutharazu came to the gate and told him to allow the entry inside, but still then he refused to allow on the same plea that there should be an order of the supervisor or the assistant Supervisor. His evidence further runs that then Mutharazu contacted the I party Selvan, but Bajrangalal told him that he will not be able to obey the order of any supervisor or Assistant Supervisor on phone but such an officer should personally go over to the mines and issue forth an order to that effect. The evidence of PW-3 Bajrangalal then shows that since Mutharazu could not get Selvan on phone, he sent a word through watchman Doraiswamy and at about 3 p.m. the I party Selvan came to the mines in his uniform and then Mutharazu and the I party Selvan discussed the matter for some time and only thereafter the I party Selvan ordered him to allow the lorry inside showing that the cement bags were to be taken to the BEML. His evidence further discloses that 3 or 4 labourers loaded the lorry with cement bags and at about 4.45 p.m. the lorry came at the gate and then the I party Selvan stamped on the Material Transfer note to take the bags outside the gate and he kept one copy of the same in his pocket. PW-3 Bajrangalal when stated it was only thereafter that he allowed the lorry to go outside. The evidence of Bajrangalal further discloses that after 10 or 15 minutes PW-1 Daniel, PW-2 Paul Anthony came on a motor cycle along with the 2 lorry followed by another lorry of the BGML and then he was questioned by the Chief Security Officer as to why he had allowed the lorry to take away the cement, and he told him about the facts. On the point that the I party workman was aware of the officers who were authorised to sign the material transfer note, the evidence of PW-3 Bajrangalal shows in the cross-examination that the list was displayed in the room of the gate clerk. The said list has been produced before the Enquiry alongwith the transfer movement book. Ex. P-4 and it shows that from 24-1-84 the management had notified the names of 15 officers who were authorised to sign store chits and gate passes. There is no name of Paul Lazarus in the said list. Again, there is no explanation from the workman as to why he did not examine the said list before he permitted the cement bags to be taken out on the basis of the material transfer note, which showed the name of Paul Lazarus. There is no dispute on the point that Paul Lazarus had been transferred long back and on 24-2-84, he was working at Ramagiri. Still further, there is no explanation as to why the I party Selvan acted upon material transfer note which had been signed on 14-8-1983, even if it is supposed that he was under a bona fide impression that Paul Lazarus was still working at K.G.F. It is not his case that he permitted the cement bags to be taken out on 24-2-84, without going through the material transfer note and without noticing that it purported to have been issued on 24-2-84. PW-3 Bajrangalal was the eye witness to the incident that Mutharazu and Selvan had permitted the cement bags to be taken out of N.G.S. mines. It appears in the evidence of PW-3 Bajrangalal that before the lorry MYK 4922 went outside the gate, the I party Selvan had counted the bags. In the cross-examination what has been suggested to PW-3 Bajrangalal is that whether there is any instruction from the Security Department that he, the watchman should not count the bags if the Assistant Supervisor counts them. The witness has stated that he will be counting the bags only if the Assistant Supervisor asks him to count, since he is his superior officer. There is not even a suggestion of PW-3 Bajrangalal that before the lorry went outside the NGF mines, the I party Selvan had not counted the bags. Since it is manifest from the evidence of PW-3 Bajrangalal that the I party Selvan had counted the bags and since it is an admitted fact that the number of bags were only 182, an irresistible inference follows that he and Mutharazu were acting with a common intention because

the material transfer note shows 200 bags. It is unimaginable to conceive that any Assistant Supervisor could have taken the responsibility of transporting only 182 bags though the authority was to transfer 200 bags. It cannot be imagined that any employee would undertake the responsibility of explaining the shortage of 18 bags of cement for no reason whatsoever.

26. The evidence of PW-4 Balram substantiates that of PW-1 Daniel and PW-2 Paul Anthony. He has corroborated their evidence on each and every point. His examination-in-chief has been recorded on 13-4-84. He has been cross-examined on 18-7-84 and also recalled and further cross-examined on 23-8-84. In the cross-examination PW-4 Balram has categorically stated that Paul Lazarus had been transferred to Ramagiri as long back as 7th December, 1983. A specific question had been put to PW-4 Balram on Question No. 16 whether there is anything in writing on the material transfer note, Ex. P-2 what the name should be used for passing out the material from one store to another in the BGML. The witness has answered that the material transfer note is itself self-explanatory because it shows that it from one unit of BGML to BGML and that code numbers are given for each store and for each material and that such code numbers are exclusively used only in the BGML stores and thus Ex. P-2 is not a material transfer note for transporting the material to outside party. He has been further questioned as to what is the procedure for the issue of cement by the BGML stores to private lorries. The witness has explained that the store chits sent by T.A. department show the details such as BGML contract number, contractor's name, number of bags indented, signature of the authorised officer or of the officer of the T.A. department and only if the document contains such particulars, the Assistant Supervisor can permit the goods to be carried out by a private lorry. The evidence of PW-4 Balram is thus clinching and it shows that the evidence of PW-3 Bajarangal as corroborated by the evidence of PW-1 Daniel and PW-2 Anthony is true on the point that before the cement bags were permitted to be taken out from the mines, Mutharasu and Selvan had the common intention to do so. The evidence of PW-5 Sitaram the C.S.O. substantiates the evidence of PW-1 Daniel PW-2 Paul Anthony on all the points. His evidence has gone unchallenged. When the enquiry was resumed on 30-7-84, the defence representative represented to the Enquiry Officer that Paul Lazarus has not been shown as a witness in the list of witnesses and he need not be examined. The Enquiry Officer has accepted his contention and therefore, he was not examined. The I party Selvan cannot now turn round and make an issue that the management has not examined Paul Lazarus.

2. The management relied upon several documents to substantiate the oral evidence of PW-1 to PW-5. Ex. P-1 is the original or first copy of the material transfer note Ex. P-2 is the triplicate copy of the same. These two documents show that the material was to be transferred from NGS transfer code No. 12 and the code number of the recipient stores is shown as 10. As has been discussed above, Exs. M-1 and M-2 by their very nature indicate that they are used for the transport of material internally, from one store to another of the BGML. The date of despatch is shown on 23-2-84. The material was actually transported on 24-2-84. The I party workman had thus no justification to act on the document, Ex. P-2 to allow for the transport of the goods in a private lorry to a third party.

28. In his report, Ex. M-10, the Enquiry Officer has discussed the evidence of the aforesaid 5 witnesses and the documents relied upon by the management. Exs. P-1 and P-2 show that the loan was returned with reference to the letter of the BGML/163 dt. 3-9-1983. The evidence of PW-2 Paul Anthony shows that cement borrowed from the BGML has no relevance with any letter of the BGML No. 163 dt. 3-9-83 and that the loan was obtained from the BGML under five different reference numbers dt. 7-9-83, 9-9-83, 11-9-83, 5-1-84 and 9-1-1984. In order to substantiate the case that the material transfer notes Exs. P1 and P2 are used only for internal transfer the management has produced similar notes at Exs. P8, P8(a), and P8(c). 182 bags of cement unloaded from the said private lorry has been account-

ted for in the BGML as per Ex. P-9. From Exs. P-1 and P-2, it is obvious that Paul Lazarus has signed and put the date of signature as 14-8-83. The management had offered an opportunity to the workman to get clarification from Paul Lazarus himself as to how he could have signed the document for the transport of goods on 23-2-84, as long back as 14-8-83. The D.K. had himself submitted before the Enquiry Officer that he need not be examined. The workman had therefore to explain as to how and why for he acted upon a transfer note signed by P. Lazarus on 14-8-83, when he was not the authorised officer to sign such notes at BGML. In K.G.F. for the transport of goods on 24-2-84. The Enquiry Officer has set out the point raised by the I party workman and has discussed and given his findings on each point of objection raised by him. The documents marked in the enquiry as Exs. P-1 to P-9 fortify the oral evidence of PW-1 to PW-5.

29. On going through the report of the Enquiry Officer, Ex. M-10 in the context of the aforesaid oral and documentary evidence, I find that it is not a case wherein no reasonable person could have arrived at the findings complained of.

30. The learned counsel for the I party contended that the management has not proved that I party either connived or abetted the commission of the act by Mutharasu and that the charge has not been established. The dictionary meaning of connive at is to conspire or to shut the eyes to. The definition of abetment has been already discussed and the explanation to section 107 of I.P.C. shows that if a person does anything in order to facilitate the commission of that act is said to aid the doing of that act. In my view, the evidence produced by the management leads to an unmistakable conclusion that the I party has aided Mutharasu in transporting 182 bags of cement with the dishonest intention of making profit or causing loss to the management.

31. The learned counsel for the I party then contended that there is no direct evidence and that Mutharasu has not been examined and that the confessional statement of Mutharasu Ex. P-4 absolves the I party Selvan. The evidence of PW-3 Bajarangal is direct evidence in as much as it shows that before the cement bags were transported, Mutharasu and the I party Selvan had the discussion and that the I party Selvan had counted the bags before they were permitted to be taken away. It cannot be forgotten that a copy of the Material Transfer Note was found with Selvan. In Ex. P-4, which has been marked as Ex. M-15, there is nothing to suggest that the I party Selvan did not aid him in seeing that 182 bags of cement had been sent out of NGS mines. Secondly, the bare statement of Mutharasu at Ex. M-15 cannot outweigh the evidence of the aforesaid five witnesses and the documents at Exs. P-1 to P-9.

32. The learned counsel for the I party then contended that there is no written rule that after the shift hours, no private lorry should be allowed inside or no material should be permitted to go outside. For each and every aspect of day to day working, there need not be an order in writing or imprint a specific rule. The management had established before the Enquiry Officer that there is an established practice that after the shift hours, no private lorry can be permitted to go inside or take away any material without the order of an superior officer.

33. The learned counsel for the I party contended that at the relevant time there was no gate clerk and therefore the I party had kept the document in his pocket and that the said circumstance does not incriminate him. The evidence on record shows that there was absolutely no justification for the I party to permit the lorry with the cement bags to go outside the NGS mines after the shift hours at about 4.45 p.m. and there can be no excuse that there was no gate clerk at that time. At that point of time, admittedly one cannot expect the gate clerk to be there. The appreciation of evidence in that connection by the Enquiry Officer cannot be said to be incorrect.

34. The charge against the workman is that he has committed misconduct punishable under Rule 5(6) of the BGML Employees conduct, discipline and Appeal Rules, Rule 5(2)

deals with the misconduct of theft fraud or dishonesty in connection with the business or property of the Company... etc. Rule 5(6) deals with the misconduct of acting in a manner prejudicial to the interests of the company.

35. The learned counsel for the I party strongly contended that the order of dismissal Ex. M-13 does not deal with the past record of the I party and it is vitiated. In that connection, he placed reliance on the case of B. Subbiah Vs Andhra Handloom Weavers' Co-op. Society Ltd. and others (1978 1 L.L.J. page 37). The authority is with reference to Andhra Pradesh Shops and Establishments Act and Ruled thereunder. Rule 20(3) states that the management should take into account the extenuating or aggravating circumstances, if any while passing the order of punishment and for not doing so, the order of dismissal becomes vitiated. In para 15 of the authority, it has been observed that the respondent society was at liberty to consider the question of awarding punishment in the light of the requirements of Rule 20(3). It is obvious that since the Hon'ble High Court of Andhra Pradesh was exercising the writ jurisdiction the provisions of Section 11A of the I.D. Act could not be sought to be invoked by the management and the said option to take further action was kept open for the management. This Tribunal has the jurisdiction to exercise its discretion in the matter of punishment also, as provided in Section 11A of the I.D. Act and even if it is supposed that the order of dismissal is not in order, the I party workman cannot endeavour to claim that the order of dismissal should be set aside once for all and he should be ordered to be reinstated with full back wages.

36. Keeping in view the provisions of Section 11A of the I.D. Act and in the context of the facts and circumstances of the case, I find that the punishment of dismissal is appropriate and it does not call for any inference. The I party workman was working as an Assistant Supervisor and it was his duty to protect the property of the II party, but by abetting the commission of the said acts, he had caused loss to the II party and it is only for the timely intervention of the officers such as PW-1, PW-2, PW-4 and PW-5 that the II party has been saved from the loss. The learned counsel for the I party contended that the I party workman had put in 34 years of service and he was to retire in 1987 and taking into account the said facts, a considerate view may be taken. Since it is a case wherein dishonesty in connection with the business of the Company has been established on the part of the person who should have protected the interests of the II party, I do not find that the said circumstance calls for any inference in the order of dismissal.

37. The acts committed by him are undoubtedly fraudulent and prejudicial to the interests of the Company. The finding of the Enquiry Officer that he committed acts under Rule 5(2) and 5(6) of the said rules cannot be said to be perverse.

38. In the result, an award is passed to the effect that the action of the management of Bharat Gold Mines Limited, K.G.F. in dismissing Shri M. Selvan Asstt. Supervisor, Watch and Ward Esstt. Champion Roofs w.e.f. 8th March, 1985 is justified and that he is not entitled to any relief.

(Dictated to the Personal Asstt., taken down by her, got typed and corrected by me.)

B. N. LALGE, Presiding Officer
[No. L-43012/21/85(D. III(B))]

का.आ. 561.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उद्दिष्टा कन्सल्टेशन कार्पोरेशन लिमिटेड, भुवनेश्वर के प्रबन्धन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुसूच में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-2-1989 को प्राप्त हुआ था।

S.O. 561.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government

Industrial Tribunal, Calcutta, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Orissa Construction Corporation Limited, Bhubaneswar and their workman, which was received by the Central Government on the 21-2-1989.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 33 of 1983

PARTIES :

Employers in relation to the management of Orissa Construction Corporation Ltd. Bhubaneswar,

AND

Their Workman.

APPEARANCES :

On behalf of employer—Mr. C. R. Ghosh, Assistant Manager (E and A), of the Corporation.

On behalf of workman—Mr. S. Misra, Advocate.

STATE : Orissa

INDUSTRY : Orissa Corporation

AWARD

By Order No. L 29011/6/82-D.III (B) dated 11-5-83 the Government of India, Ministry of Labour and Rehabilitation, Department of Labour, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Orissa Construction Corporation Ltd., Bhubaneswar in terminating the services of Shri S. K. Sen, Blaster Grade-II with effect from 21st May, 1970 was legal and justified? If not, to what relief the workman is entitled?"

2. When the case is called out today, both parties appear and file a Joint Petition of Compromise, duly signed by the parties. They pray for an Award in terms of the Joint Petition of Compromise. Considered the said Joint Petition of Compromise as well as the submissions of both parties. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I therefore, accept the same and pass an 'Award' in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure—'A'.

This is my Award.

Dated, Calcutta,

The 13th February, 1989.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-29011/6/82-D.III (B)]

V. K. SHARMA, Desk Officer

ANNEXURE 'A'

FORM K

(See Rule 64)

MEMORANDUM OF SETTLEMENT

BETWEEN

The Management of Orissa Construction Corporation Ltd., BBSR.

AND

Saibani Bewa, wife legal heir and Substitute of Late Sachindra Kumar Sen, Retrenched Blaster.

PARTIES TO THE DISPUTE

Representing the Management :

Managing Director, O.C.C. Ltd.

Representing the workman :

Saibani Bewa, wife, legal heir and substitute of Late Sachindra Kumar Sen.

SHORT RECITAL

Where as Late Sachindra Kumar Sen, who was retrenched from Subarnarekha Bridge Project with effect from 31-5-79 raised an Industrial Dispute before the Central Labour Machinery challenging the legality of his retrenchment ;

AND

Where as the Asst Labour Commissioner (Central), Bhubaneswar having been satisfied about the existence of an Industrial Dispute admitted the same into conciliation and on its failure to arrive at a tripartite settlement, reported the matter to Government ;

AND

Where as the Central Government referred the dispute for adjudication to the Central Industrial Tribunal, Calcutta which registered the same as Industrial Dispute Case No. 33 of 1983 ;

AND

Where as Late Sachindra Kumar Sen, when alive, decided not to join in service because of his ill health and approached the Management through his lawyer for a mutual out of Court settlement of the issue on payment of a lump sum amount towards the full and final payment of his dues ;

AND

Where as when the matter was under negotiation between both the parties, the workman died on 18-9-88 and after his death, his widow Saibani Bewa filed a substitution petition before the Hon'ble Tribunal and the same was allowed with effect from 23-1-89 ;

AND

Where as Saibani Bewa, the widow of late Sachindra Kumar Sen against approached the Management with her lawyer Sri Satyabadi Mishra on 3-1-89 and 8-1-89 for a mutual settlement of the issue in the line of negotiation made by her late husband and had a prolonged discussion with the Managing Director, O.C.C. Ltd. on both the occasions in presence of her lawyer, it is ultimately agreed out of the free volition to have an amicable out of court settlement to resolve the dispute on this the 8th day of February, 1989 as per the terms detailed below ;

TERMS OF SETTLEMENT

1. It is agreed by and between the parties that a lump sum amount of Rs. 68,000 (Rupee: Sixty eight thousand) only shall be paid by the Corporation to Saibani Bewa—towards the back wages for the period of service from 1-6-79 to 18-9-88, Bonus for the years from 1979-80 to 1988-89, Gratuity for the period of service from 15-5-72 to 18-9-88, unused leave salary for 30 days and other—service benefit, if any, of her late husband Sachindra Kumar Sen, Blister.

2. Saibani Bewa, the widow, legal heir and substitute of Late Sachindra Kumar Sen in the I. D. Case No. 33 of 1983 agreed that after payment of the lump sum amount as—settled under clause-1, she shall have no other claim whatsoever, in connection with the period of service rendered by late Sachindra Kumar Sen in O.C.C. Ltd.

3. Both the parties agreed to submit a copy of the settlement jointly before the Hon'ble Central Industrial Tribunal,

Calcutta to finalise the dispute accordingly and on its acceptance by the Hon'ble Tribunal the amount shall be paid by 16-2-89.

SIGNATURE OF THE PARTIES

Sd/-

(Biswanath Nayak)

Managing Director, O.C.C. Ltd., Bhubaneswar-12

(L.T.I. of Saibani Bewa)

Widow, legal heir and substitute of late Sachindra Kumar Sen.

Identified the L.T.I. of Saibani Bewa
Sd/-
Advocate.

Witnesses :—

1. Satyabadi Mishra,
Advocate,
Orissa High Court,
Cuttack-2.

Sd/-

2. G. Mishra,
Personnel Officer,
O.C.C. Ltd.,
Bhubaneswar-12.

नई दिल्ली, 6 मार्च, 1989

5. का.शा. 562:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय उर्वरक निगम, गोरखपुर, यूनिट के प्रबन्धन में संलग्न निशेजकों और उनके कर्मचारों के बीच औद्योगिक विवाद में अनुबन्ध में किए गए राष्ट्रीय औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 23 फरवरी, 1989 को प्राप्त हुआ था।

New Delhi, the 6th March, 1989

S.O. 562.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the National Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of the Fertilizer Corporation of India, Gorakhpur Unit and their workmen, which was received by the Central Government on the 23rd February, 1989.

ANNEXURE

NATIONAL TRIBUNAL AT CALCUTTA

Reference No. NT-3 of 1984

PARTIES :

Employer of the Fertilizer Corporation of India, Gorakhpur Unit

AND

Their Workmen.

APPEARANCES :

On behalf of employer—Mr. M. N. Kar, Advocate with Mr. S. S. D. Mathur, Chief Personnel Officer.

On behalf of workmen—Mr. Raja Ram, President of the National Fertilizer Factory Workers Union, Gorakhpur. Mr. J. N. Chowdhury, Treasurer of the Fertilizer Karkhana Mazdoor Union, Gorakhpur.

INDUSTRY : Fertilizer

AWARD

By Order No. L-51041/22/84-I&E (SS) dated 29th August, 1984, the Government of India, Ministry of Labour, referred

the following dispute to this Tribunal presided over by Mr. Justice M. P. Singh for adjudication and subsequently by order of even number dated 7-4-1988 I was appointed as Presiding Officer of the said National Tribunal :

"Is it correct and/or legal that the employer does not pay earned leave encashment to the employee of the Organisation taking into account the month of 26 days. If not, to what benefit/relief the employees are entitled to and with what details."

2. Mr. M. N. Kar, Advocate appearing on behalf of the management draws my attention to the Petition of Compromise filed on 6-2-1989 and prays for an award in terms of the said Petition of Compromise. Mr. Raja Ram, President of the National Fertilizer Factory Workers Union, Gorakhpur and Mr. J. N. Chowdhury, Treasurer of the Fertilizer Karkhana Mazdoor Union, Gorakhpur appearing for the respective unions also pray an award in terms of the settlement as spelt out in the said Petition of Compromise.

3. It appears that out of 20 unions as mentioned in the order of reference only 11 unions viz. (1) Fertilizer Factory Workers Union, Sindri, (2) Urvarak Nigam Pragatisheel Karamchari Sangh, Sindri, (3) Fertilizer Karkhana Mazdoor Union, Gorakhpur, (4) National Fertilizer Factory Workers Union, Gorakhpur, (5) Fertilizer Corporation of India Employees Union (6) Talcher Sarakarkhana Shramik Sangh, Talchar Union, (7) Urvarak Kramchari Sangh, Korba Unit, (8) Fertilizer (Jodhpur Organisation) Union, (9) Rashtriya Fertilizer Mktg. Shramik Sangh (10) Fertilizer Corpn. of India, Mktg. Employees Union, and (11) Fertilizer Corpn. of India Employees Union, New Delhi have entered into the settlement with the management. The other 9 unions which have not signed the settlement have not appeared and out of the said 9 unions only one viz. Fertilizer Kamgar Union, Gorakhpur filed the written statement. It also appears that one B. N. Tiwari, who appears to be the General Secretary of Fertilizer Kamgar Union, Gorakhpur has sent a telegram (received today) objecting to the compromise and has requested for hearing the same today. The objection said to have been sent by Mr. Tewary to the compromise has not yet been received by this National Tribunal. Mr. Tewary has also not appeared. No representative of Fertilizer Kamgar Union, Gorakhpur and 8 (eight) other unions who have not signed the compromise petition, are present today.

4. I have considered the submission of Mr. Kar, the Learned Advocate for the management with reference to the settlement and the evidence as given by MW-1 Mr. T. D. Dhingra on behalf of the management. It appears from the evidence of MW-1 that the Fertilizer Kamgar Union, Gorakhpur represents only 2% of the total number of the workmen of the Corporation, thereby indicating that this union has got no locus standi to represent the workmen.

5. The terms of the settlement appear to be fair, reasonable and in the interest of the parties. I therefore, accept the settlement entered into by the concerned unions and the management and also act upon the evidence in terms of the settlement as against the absentee unions. Accordingly I make the Award in terms of the settlement against the unions who have entered into the settlement and exparte against the absentee unions in terms of the said settlement, which do form part of this Award as Annexure 'A'.

This is my Award.

Dated, Calcutta,

The 15th February, 1989.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-51041/22/84-I&E (SS)]

ASHOK SAHU, Dy. Director

ANNEXURE 'A'

BEFORE THE NATIONAL TRIBUNAL, CALCUTTA

Reference No. NT-3 of 1984.

In the Matter of an Industrial Dispute

BETWEEN

The employers in relation to the Management of Fertilizer Corporation of India Limited.

AND

Their Workmen.

The humble petition on behalf of M/s. Fertilizer Corporation of India Limited.

Most Respectfully Sheweth :—

1. That the Hon'ble Tribunal has been pleased to fix the 15th February, 1989, for hearing the case.
2. That in the abovemention case, the Central Government while referring the case to this Tribunal, made as many as 20 (twenty) Unions as parties to the reference for adjudication, but from beginning till last date, so far only the following 3 (three) Unions made appearance before the Hon'ble Tribunal :
 - (i) Fertilizer Kamgar Union, Gorakhpur unit,
 - (ii) Fertilizer Factory Worker's Union, Sindri unit and
 - (iii) Fertilizer Karkhana Mazdoor Union, Gorakhpur Unit
3. That since some time past, some of the Unions named in the order of reference, approached the Management for amicable settlement of the dispute. Being satisfied with the approach of the said Unions, the Management took a sympathetic attitude and after a great deal of discussions and approach between the participating Unions and Management, an honourable Settlement was arrived at with those unions for maintenance of peace and harmony and better relations amongst the workmen of the Corporation situated at various places all over India.
4. That the said Settlement relating to the dispute under reference was signed by the Management and the following representatives of the 11 Unions on the 23rd December, 1988 :
 - (1) Fertilizer Factory Worker's Union, Sindri; (12)
 - (2) Urvarak Nigam Pragatisheel Karamchari Sangh, Sindri ; (14)
 - (3) Fertilizer Karkhana Mazdoor Union, Gorakhpur : (20)
 - (4) National Fertilizer Factory Worker's Union, Gorakhpur ; (21)
 - (5) Fertilizer Corporation of India Employees Union ; (25)
 - (6) Talcher Sarakarkhana Shramik Sangh, Talcher Unit ; (26)
 - (7) Urvarak Karamchari Sangh, Korba Unit : (27)
 - (8) Fertilizer (Jodhpur Organisation) Union. (28)
 - (9) Rashtriya Fertilizer Mktg. Shramik Sangh. (29)
 - (10) Fertilizer Corporation of India, Mktg. Employees Union . (30)
 - (10) Fertilizer Corporation of India Employees Union, New Delhi ; (31).
5. That your petitioner to-day files the original copy of the said Settlement together with 7 zerox copies for

persuasion of the Hon'ble Tribunal and for orders so that an AWARD on the basis of the Settlement may be passed on the 15th February, 1989, the date fixed for hearing of the case.

6. That your petitioner further submits that since the dispute is lying pending before this Tribunal for an AWARD, that cannot be given effect to, and as such your petitioner prays that the Hon'ble Tribunal may be pleased to dispose of the reference on the next date fixed on the 15th February, 1989.

7. That the petition is bona fide and for ends of justice.

In the circumstances, it is prayed that the Hon'ble Tribunal may be pleased to peruse the Settlement dated 28-12-1988 between the Management and the 11 Unions as mentioned hereinabove filed to-day and pass necessary AWARD so that the Management may be in a position to implement terms of Settlement as early as possible and/or pass such other orders as may be deemed fit and proper.

Dated : 6-2-1989.

BEFORE THE NATIONAL TRIBUNAL, COCUTTA

Reference No. NT 3/1984

FORM—N.

Under Section 18(1) read with Section 2(P) of the Industrial Disputes Act, 1947.

Name of Parties :

Management of Fertilizer Corporation of India Limited.

AND

The workmen of the different Units/offices represented by the registered trade unions as per annexure.

Representing the employer.

1. Shri J. P. Gupta GM (P&A).
2. Shri P. N. Awasthi, FM.
3. Shri S. S. D. Mathur, CPO.

SHORT RECITAL OF THE CASE

The Board of Directors of the Fertilizer Corporation of India in their 127th meeting held on 27-7-1970 approved Leave Rules for the employees of the Company. Under these Leave Rules, there is a provision for allowing employees earned leave. This earned leave, employee earns @ 1 day for every 11 days for the period spent on duty. Holidays and weekly offs occurring during the spell of Earned Leave are not treated as part of leave. Earned Leave is allowed to accumulate upto 240 days.

2. There is another provision under the Earned Leave Rules that an employee after keeping a balance of minimum of 60 days earned leave may encash the balance earned leave, if the earned leave encashment applied for is not less than 15 days.

3. For the purpose of encashment of earned leave, a month is reckoned as a month of 30 days, meaning thereby that an employee, if desires to get encashment of one month leave, his earned leave account is debited by 30 days leave.

4. The unions have been pressing the Management time and again that on the basis of the decision taken for the purposes of calculations of gratuity, a month should be reckoned to be a month of 26 days and not of 30 days.

5. The matter was referred by the Government vide its notification No. I-51041/22/84-T&E (SS), dated 29-8-84 to the National Tribunal at Calcutta, where the case is still pending for a decision.

6. The Management in view of the prolonged discussions hearings in the Court of Law, has decided in the interest of industrial harmony and good relations to introduce the facility of encashment of earned leave by taking a month of 26 days instead of 30 days as at present, on the terms and conditions indicated below :

TERMS OF SETTLEMENT

6.1 This settlement will apply to all categories of workmen upto and inclusive of the leave of Sr. Operator/Sr. Technician/Asstt. Accountant/Asstt. Office Supdt. and other equivalent categories carrying at present the scale of pay of Rs. 915-1520 and Junior Foreman (W)/JO(W) and such other workmen who have been placed in the scale of Rs. 960-1610 under stagnation scheme and who are being treated as workmen in the scale of Rs. 960-1610.

6.2 It will also apply to such other categories of employees in the above scales to whom FCI Leave Rules are applicable.

6.3 This modification in the Leave Rules will be made applicable w.e.f. 1-12-1988.

6.4 A month will be reckoned as a month of 26 days only for the purpose of encashment of earned leave, i.e. if an individual applies for leave encashment of one month, he will be allowed 30 days encashment, but his earned leave account will be debited by 26 days leave.

6.5 In modification of the existing rules of maintaining a balance of 60 days leave over and above which the balance could be encashed by the employees provided the encashment is for a period of 15 days or more. Now under this settlement, it is also agreed that the minimum requirement of keeping a balance of earned leave would be 30 days instead of 60 days. This would be effective from December, 1988.

6.6 Other terms and conditions of the rules and procedures as indicated in our Leave Rules and as amended from time to time, which are in force, would remain unaltered.

ANNEXURE

Representing the Management

1. J. P. Gupta GM (P&A).
2. P. N. Awasthi FM.
3. S. S. D. Mathur CPO.

Representing the Union,
Sindri Unit.

Fertilizer Factory Workers Union

1. Sd./-
2. Sd./-

Gorakhpur : Fertilizer Karkhana
Mazdoor Union.

1. Sd./-
2. Sd./-

National Fertilizer Factory Workers Union.

1. Sd./-
2. Sd./-

Ramagundam :

Fertilizer Corporation of India
Employees Union.

1. Sd./-
2. Sd./-

Talcher :
Talcher Sarkarkhana Shramik Sangh.
1. Sd./-
2. Sd./-
Central Office.
1. Sd./-
2. Sd./-
Korba :
Urvarak Karmachari Sangh.
1. Sd./-
2. Sd./-
Jodhpur :
Fertilizer (Jodhpur Orgn.) Union.
1. Sd./-
2. Sd./-
Marketing Division :
Rashtriya Fertilizer Mktg. Shramik Sangh.
1. Sd./-
2. Sd./-
Fertilizer Corporation of India Mktg. Employees Union.
1. Sd./-
2. Sd./-
Union :
1. Sd./-
2. Sd./-

(P. N. Yadav) Sec. N.F.F.W. V.
Gorakhpur

D. B. Kumar Urvarak Nigam
Pragatisheed Karamchari
Sangh, Sindri.
—do—

WITNESS :—

Management

1. Sd/-
2. Sd/-

नई दिल्ली, 10 मार्च, 1989

का.आ. 563:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. आर. एम. साऊथ सेंट्रल रेलवे के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-2-89 को प्राप्त हुआ था।

New Delhi, the 10th March, 1989

S.O. 563.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes, the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of D.R.M. South Central Railway, Hubli and their workmen, which was received by the Central Government on the 21-2-1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT AT BANGALORE

Dated 15th February, 1989

CENTRAL REFERENCE NO. 155/87

I Party :
Shri Y. Murlidhar
Care Room No. 8,
Block II, III Floor,
Super market, HUBLI.

Vs.

II Party :
The Divisional Railway Manager,
South Central Railway, Hubli.

APPEARANCES :

For the I Party—Shri Anant P. Savadi, Advocate.

For the II Party—Shri P. P. Hiremath, Advocate.

AWARD

By exercising its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947, the Government of India, Ministry of Labour has made the reference on the following point of dispute, by its order NO. L-41014/186-D. II (B) dated 1st September, 1987.

POINT OF REFERENCE

"Whether the action of the management of Assistant Engineer, South Central Railway, Hubli in terminating Shri Y. Murlidhar, Khalasi from service w.e.f. 15-2-84 is legal & justified? If not, to what relief and from what date the concerned workman is entitled?"

4. The I party has filed his claim statement and inter alia, he has contended as follows :

The I party is an ex-employee of the South Central Railways, Hubli. He was working as a Khalasi. Without issuing any chargesheet, or following the principles of natural justice or complying with the provisions of the I.D. Act, his services were terminated with effect from 15-2-84. In the order of dismissal, it is alleged that the I party remained absent unauthorisedly from 23-2-84 to 26-2-84 and it was deemed that he had resigned from service. He never remained absent unauthorisedly. He was on medical treatment. He had submitted his leave application by enclosing medical certificates. Photo copy of the certificate is enclosed. He preferred an appeal, but it was dismissed. The order of dismissal may be set aside and he may be reinstated with all the consequential benefit, and the cost of Rs. 1,000/-.

4. The II party management has filed its counter statement and inter alia, it is contended as follows.

The I party workman has suppressed the true facts. It is denied that the order of termination of his services is in violation of principles of natural justice or rules or that it is illegal. It is not correct that he did not remain absent unauthorisedly. It appears that after the order of termination of service was passed, he filed an application, contending that he was undergoing medical treatment in Dharwad. No information was sent by him till the said order was passed. He was working as an extra labour/Khalasi on daily wages and it was purely on temporary basis. He was granted temporary status with effect from 19-1-79 and was being paid in the scale of Rs. 196-232. He was granted leave from 19-2-1984 to 24-2-1984. He should have reported to duty on 25-2-84. He remained absent unauthorisedly from 25-2-84. Since he remained absent unauthorisedly for more than 3 months, it was deemed that he had resigned from

service under Rule 732 of the Indian Railway Establishment Code Vol. No. I. The order of termination was passed by a competent authority. The order was sent by R.P.A.D., but it was rejected. A copy of the same was put up on the notice board. He preferred an appeal. The Appellate authority confirmed the order, that it was deemed that he had resigned from service. The reference may be rejected.

5. On 18-2-1988, the II party filed an additional counter statement and therein, it was contended that this Tribunal has no jurisdiction to entertain the reference and that the dispute is cognisable only by the Central Administrative Tribunal.

6. On the said point, one issue was framed as shown below :

“Whether this Tribunal has no jurisdiction to entertain the dispute, as contended in the additional counter statement.”

7. The parties were heard on the same

8. By a considered order dated 13-6-1988, it has been held that this Tribunal has the jurisdiction to entertain the dispute and that the reference is maintainable.

9. Thereafter, on the merits of the case, the management has examined one witness and got marked Exs. M-1 to M-10.

10. For the I party Shri Anant P. Savadi, learned counsel submitted that there is no evidence.

11. The parties have been heard.

12. My finding on the point of reference is as follows :

The action of the management of Assistant Engineer, South Central Railway, Hubli in terminating the services of Shri Y. Murlidhar, Khalasi with effect from 13-6-85 was justified. He is not entitled to any relief.

REASONS

13. Ex. M-5, the order in question states that the I party workman had remained absent unauthorisedly from 25-2-84 to 26-5-84 and that he being a temporary employee having remained absent for more than 90 days is deemed to have been resigned from his appointment as a khalasi in terms of note 2 below exemption (ii) to Rule 732 of the Indian Railway Establishment Code, Vol. I. The management shall have to justify the aforesaid action. As per Section 13(B) of the Industrial Employment (Standing Orders) Act 1946, the said rules of the Indian Railways will be applicable and not the model standing orders. In order to establish the said misconduct, the management has examined MW-1, and has got marked Exs. M-1 to M-10. The evidence of MW-1 Chandareyi discloses that they count the attendance from 19th of a month to the 10th of the following month and that the I party workman remained unauthorisedly absent from more than 90 days from 25-2-1984. In the cross-examination also MW-1 reiterates that the I party was working in his section. In order to support his evidence, the management has produced the muster rolls at Exs. M-7 to M-10. Ex. M-7 is for the period from 19-2-84 to 18-3-84. The name of the I party is shown at Sl. No. 13.

The relevant entry is marked an Ex. M-7 (a). Ex. M-7 (a) shows that from 19th to 24th, he was absent, but the absence is treated as L.A.P. From 25-2-84 to 18-3-1984, he has remained absent as marked at Ex. M-7(a). Ex. M-8 is for the period from 19-3-84 to 18-4-84. It discloses at Sl. No. 13 that the I party workman was absent throughout. Ex. M-9 is for the period from 19-4-84 to 18-5-84. Ex. M-10 is for the period from 19-5-84 to 18-6-84. The name of the I party workman is shown at Sl. No. 13 in them. These documents show that he has been throughout absent. From the evidence of MW1, it has been brought out that the true extracts of Exs. M-7 to Ex. M-10 have been already produced at Exs. M-3 (e) to M-3(d). Since the originals are produc-

ed at Exs. M-7 to Ex. M-10 it is not of any consequence that the management has produced the extracts. The evidence of MW-1 further shows that no application was received from him for leave during the said period MW-1 further swears in regard to the absence of the I party workman. That a report, as per Ex. M-1 along with the statement, Ex. M-2 had been submitted by him. Ex. M-1 and M-2 further substantiate the evidence of MW-1. Ex. M-4 dated 12-7-1984 is the ever first letter sent by him and therein he has stated that he was unable to attend from 26-2-84 till that date for he was suffering from anxiety reaction. He states therein that he had enclosed a xerox copy of the medical certificate. The xerox copy is marked as Ex. M-4(a). It shows that the I party was an out patient from 10-3-84 and he was fit to join duty on 5-6-84. No attempt has been made by the I party to produced the original certificate issued by the District Hospital, Dharwad. No doctor has been examined to support the contention. Even the I party workman has not stepped into box to testify to the fact that he was ill. There is no explanation as to why he did not send any application soon after 25-2-84. Even though the doctor has stated that he was fit to resume for duty on 5-6-84, he has not explained as to why he did not approach the management until he had sent Ex. M-4 dated 12-7-84. The evidence of MW-1 and Exs. M-7 to M-10 and Ex. M-4 thus establish for the II party that he was a temporary workman and that the unauthorisedly remained absent from 25-2-84 and he had not reported for duty till 12-7-1984.

14. Note 2 to Rule 732 of the Indian Railway Establishment code shows as follows.

15. In case of temporary employees, the said provision employers the II party to remove him from services by following the procedure laid down in the discipline and appeal rules. The act of misconduct alleged against him is shown in Ex. M-5 itself. The material question would therefore be whether the management has established the alleged act of misconduct, as shown in Ex. M-5. Even if the II party has not held an enquiry, as required by the discipline and appeal rules, the II party has a right to establish the alleged misconduct by adducing evidence before this Tribunal. As discussed above, the II party has established the misconduct of his remaining unauthorisedly absent for more than three months.

16. The learned counsel for the I party has placed before me a xerox copy of page No. 835 of services law reporter. He has marked some portion which states that Retrenchment under Railway Establishment Code cannot be valid, for the reason that Section 25-F of the I.D. Act will override the contrary provisions under the Railway Establishment code. The case law cited therein below is of Nand Lal Vs. The union of India (1978 (2) S.L.R. page 840 (Allahabad). Since the authority of Nand Lal has not been placed before me it is difficult to appreciate the aforesaid statement. Secondly the case at hand deals with the act of misconduct for which the services of the workman has been terminated, as provided in the aforesaid rule. There is no point of retrenchment involved in the matter.

17. The learned counsel for the I party has then referred to the case of G.T. Lad & Ors Vs. Chemicals and Fibres of India Ltd. Unreported Judgements (SC) 1979, page 225. The authority is on the point that absence from duty due to peaceful strike does not amount to abandonment. It has been further stated that intention of abandonment is a question of fact and it cannot be attributed to an employee without adequate evidence. The facts of the reported case would show that during the pendency of the reference No. 336 of 1972 before the Second Labour Court, Bombay, 344 workman including the workman Shri Lad went on indefinite strike with effect from 30-8-1972. On the same day the company had put up a notice that the strike was illegal and employees participating in the strike would be liable for disciplinary action. On 7-9-1972, the Company issued notice to Shri Lad and come other to report for duty on 18-9-72, failing which their absence will be construed as voluntary abandonment. On 19-9-1972, since they did not report, the management passed an order that they had abandoned their service

and their names had been struck off from the rolls. Under the said set of circumstances and facts, it has been held there was no intention on the part of the workman for voluntary abandonment of service. Even though this Tribunal need not consider the point whether the I party workman has abandoned his service or not, since the management is contending that it is an act of misconduct, I find that he did abandon the service, for the simple reason till as late as 12-7-1984, he did not make any move to approach the management and asked for giving him work. Even though he had obtained the original of Ex. M-4(a) dt. 4-6-1984, he had not sent any application for leave, enclosing the said certificate till the date of Ex. M-4 dated 12-7-1984. Till today, the workman has not placed before this Tribunal any evidence explaining his inability as to why he did not approach the management till 12-7-1984. In the context of such facts, I am of the view that the authority in of no assistance to the workman. The learned counsel for the I party has then placed reliance on the case of L. Robert D'Souza Vs. the Executive Engineer, Southern Railway (1982(44) F.L.R. page 250). The facts of the reported case would show that the workman was in continuous service for 26 years but still then the management had considered him as a casual labourer. One of the grounds on which the order of dismissal was set aside, is to be found in paras 23 and 24 and it is that the railways had not complied with Section 25-F of the I.D. Act.

In the case at hand, it has been observed that the management has proved that the workman had committed an act of misconduct or remaining unauthorisedly absent, for which the management is well within its rights to terminate his services, as per note 2 of rule 132 of the Indian Railway Establishment Code Volume No. 1. Termination of service for misconduct is obviously not retrenchment falling under Section 25-F of the I.D. Act and hence the provisions of Section 25-F are not attracted. The facts of the reported case would show that when the workman was on fast from 19th to 28th September 1974, but the management treated the same as unauthorised absence and his services were deemed to have been terminated from 18-9-74. The learned counsel for the railway contended in the said case, as is evident from para 8 that he was a casual labourer under Rule 2501 and therefore no notice of termination was necessary as per Rule 2505. The said contention was rejected. In para 9 of the authority, it has been observed that when a person attains the status of a temporary railway servant, he would be governed by the provisions of Chapter 23. Chapter 23 Rule 2302 lays down the procedure for terminating the services of a temporary railway servant. Since the misconduct attributed to him has been proved, it is obvious that the termination of services is in accordance with rule 2302.

18. Approaching the case from the angle put forth by the workman, it requires to be considered whether the said authority of L. Robert D'Souza is of any assistance to him, treating Ex. M-5 as an order under which the management treated that he has deemed to have abandoned. It has been already observed that the management has established that he had the intention to abandon and therefore he did not approach the management from 25-2-1984 till 12-7-1984. The facts of the reported case, as discussed above, would indicate that the workman D'Souza had no intention at all to abandon or resign, but the management took the opportunity of his absence when he was on fast and was taken to the hospital and construed such absence as unauthorised and the provisions of Rule 2501 of Chapter 25 of the Railway Establishment Manual were pressed into services. Since it is manifest from the facts at hand that the workman had the intention to abandon and had not cared to approach the management till 12-7-1984, neither the case of G.T. Lad nor that of L. Robert D'Souza will be of any assistance to him. The provisions of Rule 2302 (i) (ii) will still then hold good and as has been shown in Ex. M-5, it shall have to be held that he had ceased to be the railway employee, having resigned his post.

19. Since the insertion of clause (bb) in Section 2(oo) of the I.D. Act, the principles laid down in the case of Sundarmani, Hindustan Steel and Santosh Gupta do not hold the field. Rule 2302 holds the field and it cannot be said that the said rule is contrary to the provisions of Section 25-F read

with Section 2(oo). In other words, the management is entitled to contend that the workman is deemed to have resigned from his post and that he has ceased to be a railway employee, without any more contravening the provision of Section 25-F of the I.D. Act. The principles laid down in the cases of Central Inland Water Transport Corporation Ltd., G.T. Lad and Robert D'Souza are obviously prior to the insertion of Clause (bb) in Section 2(oo) of the I.D. Act. Hence, looking from any angle, I find that there is no force in the contention of the I party that the order Ex. M-5 is illegal.

20. The learned counsel for the II party the placed before me the following two authorities :

- (1) National Engineering Industries Ltd., Jaipur Vs. Hanuman (1969 S.C AIR, page 83).
- (2) Management of M/s. Shiva Flour Mills, Bhagalpur Vs. The workmen and Another (A.I.R. 1970 Patna, page 273).

The authorities support the submissions made by the II party. Since the point of law has been discussed at great length with reference to the amended section 2(oo) of the I.D. Act, the matter not require any further discussion.

21. In the result, an award is passed to the effect that the management of Assistant Engineer, South Central Railway, Hubli was justified in terminating the services of Shri Y. Murlidhar, with effect from 13-6-85 and he is not entitled to any relief.

(Dictated to the Personal Assistant, taken down by her, got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-41012/7/86/D.II(B)]

का.आ. 564.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिप्टी चीफ इंजीनियर (कन्सर्) नाङ्गूर रेलवे, मैसूर के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-2-89 प्राप्त हुआ था।

S.O. 564.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Indl. Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deputy Chief Engineer (Const.), Southern Railway, Mysore, and their workmen, which was received by the Central Government on the 21-2-1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT AT BANGALORE

Dated 15th February, 1989
Central Reference No. 14/88

I PARTY

Shri C. Shreenivasa,
S/o B. Chikkaiah,
Door No. 113, V Cross
Gokulam 1st Stage
Mysore 570002.

Vs.

II PARTY :

The Deputy Chief Engineer
Construction
Southern Railway
Bangalore City Mysore
Conversion into Broad Gauge
Yadavagiri, Mysore 570020.

APPEARANCES :

For the I party Shri K. S. Ponnappa, Advocate.

For the II party Shri J. Nagaraj, Advocate.

AWARD

By exercising its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, the Government of India, Ministry of Labour has made the present reference on the following point of dispute by its Order No. L-41012/44/87-D.II(B) dated 16th March, 1988.

POINT OF REFERENCE

"Whether the action of the management of Deputy Chief Engineer Construction Southern Railway Bangalore City Mysore Conversion into Broad Gauge Yadavagiri Mysore-20, in terminating Shri Sreenivasa Elr Khalasi from services with effect from 17-5-85 is legal/justified? If not, to what relief the workman concerned is entitled to?"

2. The I party workman has filed his claim statement and contentions, in brief, are as follows :

He was employed as a Khalasi by the II party in their construction division of Bangalore City-Mysore Conversion into broad gauge scheme, with effect from 5-10-1979. He has put in an uninterrupted service till 17-5-1985. On 17-5-85 he was removed from service illegally, on the allegation that a complaint had been lodged with the concerned police. No enquiry was held against him, to prove the charges. He has been removed from service arbitrarily. The II party issued a letter dated 19-7-1985, informing him that he had been in an offence and was arrested by the police at Mysore on 17-5-1985 and as a disciplinary measure it was deemed that he had been removed from service with effect from 17-5-1985. On receipt of the said letter, he approached the II party and gave his representation. He requested them to give an opportunity to explain the circumstances under which the criminal case was foisted against him. His representation was not considered. The charge of criminal case is false and fictitious. It was initiated on a complaint of a co-employee by name Shri Kannappan out of some vengeance and enmity. As a consequence of the complaint, the police had arrested him on 17-5-1985, and when he was produced before the court, he was released on bail. The criminal case filed against him is still pending in the court of the Chief Judicial Magistrate, Mysore at CC No. 5579/85. The prosecution has not commenced its evidence. He is presumed to be innocent. He has been put to unnecessary humiliation and harassment. No show cause notice was issued to him. He has a good record. He was drawing gross salary of Rs. 586.80. In the First Information Report and in the chargesheet, it has been alleged that an offence has been committed at 6 p.m. on 11-5-1985. By a communication dated 19-7-1985, he has been removed from service with effect from 17-5-85 and it is illegal. The action of the management is in contravention of the Section 25-F of the I.D. Act. An award may be passed for his reinstatement and consequential below :—

3. The II party has filed its counter statement and the contentions, in brief are as follows.

He was engaged as a daily rated Khalasi on 5-10-1979 for the work of conversion of Bangalore City-Mysore broad gauge. He was not in continuous service from 17-5-1985. He had absented from duties on many occasion shown as below :

- 9 days in Nov. 1983
- 3 days in June, 1984
- 9 days in Dec. 1984
- 9 days in Feb. 1985
- 29 days in March 1985
- 30 days in April 1985 and
- 17 days in May 1985

while on duty on 19-11-1983, he has assaulted his co-workers and had caused damage to the electrical installation. He had absconded from the work spot. He disobeyed and misbehaved with his superior officers, throughout his service. He had been warned several times. However, the II party had considered the matter sympathetically and he was taken back to duty on 23-11-83, on tendering an apology. On 11-5-85, he along with some other persons caused injuries to Shri V. V. Kannappan, workmate of the Inspector of works, Mysore. Shri V. V. Kannappan had been registered hospitalised for 36 days. A criminal case has been registered against him by the Vani vilaspuram police station, Mysore. The police arrested him on 17-5-85 and subsequently he was released on bail. In crime No. 62/85, it is alleged that he has committed offence under Section 341 and 326 read with Section 34 I.P.C. In view of his continued misbehaviour, it was considered that his services need not be continued and it was deemed that he had been removed from service with effect from 15-5-85, as per letter dated 9-7-85. His allegation that no opportunity was given to him is not tenable. He had been given an opportunity to improve himself. In March 1985, he attended only for 2 days and thereafter from 10-3-85, he remained absent continuously. Thinking that he would improve, he was transferred from the Inspector of works, Mysore to the office of the Permanent Way Inspector, Mysore by an order dated 24-4-1985. He never reported to his duties. The case against him is numbered as C.C. 5579/85 before the Chief Magistrate, Mysore. He is not entitled to reinstatement and back wages. The provision of the Section 25-F of the I.D. Act are not applicable. The II party may be permitted to lead evidence to prove the charge. The reference may be rejected.

4. The II party management of the Railways has examined two witnesses and has got marked Exs. M-1 to M-13.

5. The workman has examined himself and got marked Exs. W-1 to W-3.

6. The parties have been heard.

7. My finding on the point of reference is as follows:

The action of the management of Deputy Chief Engineer Construction, Southern Railway, Bangalore city Mysore Conversion into Broad Gauge Yadavagiri Mysore-20 in terminating Shri Sreenivasa Elr Khalasi from services with effect from 17-5-85 is not justified. The workman is entitled to reinstatement, but with no back wages. He should be given the other consequential benefits, as ordered below :

REASONS

8. In the counter statement filed by the II party in Para 2, it has been contended that the I party workman was involved in a criminal case, and that he had continued in his misbehaviour, since he had assaulted and caused injuries to Shri V. V. Kannappan. Workmate attached to the office of the Inspector of Works, Construction Mysore. In para 3 of the counter statement, it has been further contended that in March 1985, he worked for only 2 days, and then, from 10-3-85, he continuously remained absent and that though he had been transferred to the office of the Permanent Way Inspector, Mysore, he never reported and never attended to his work. In para 2 of the counter statement itself, it has been stated he was only an Elr Khalasi. On going through the counter statement, it would be obvious that the management has put forth that he was guilty of misconduct of causing injuries to a co-workman and has further contended that he had continuously remained absent from 10-3-1985 and had abandoned the service.

9. In order to substantiate the contention of misconduct, the management has examined MW-1 Madusudan Rao and MW-2 Shivaram. The evidence of MW-1 Madhusudan Rao is on the point that on 5-10-1975 he was taken as a casual labourer for the Bangalore-Mysore Broad Gauge conversion project and that it was a seasonal work. In that connection, his evidence has been substantiated by the muster rolls at Exs. M-1 to M-6. His evidence further shows that he

committed an act of misconduct and then a report was made against him as per Ex. M-7 and on due enquiry, he was kept under suspension for 7 days and that Ex. M-8 is the said order. Ex. M-8 dt. 19-11-83 shows that the I party had assaulted one Shri N. Nagaraja, a watchman on duty and that too within the office premises, when Nagaraja was on duty and that the I party workman had further caused damage to the railway property and had indulged in disorderly behaviour. It further shows that he had deserted the work spot but however the punishment imposed appears to be of suspension of seven days. The evidence of MW-1 Shri S. R. Madhusudan Rao further shows that the workman gave a letter of apology as per Ex. M-9. Ex. M-10 dated 26-11-83 shows that the management accepted the confession letter Ex. M-9 and took a lenient view and treated that of was absent on 19-11-1983 unauthorisedly and the period of suspension from 20-11-83 to 26-11-83 was treated as (A) and only a sum of Rs. 10 was recovered as loss caused to the electrical fittings. In para 11 of his evidence in the cross-examination MW-1 states that it was expected that the conversion work would be completed within 5 years from 1979 but however it has not been completed. He has denied the suggestion that the I party workman has been taken on a permanent roll. The witness has however admitted that if an employee continues in service for a period of 6 months he is given a specific scale. The rules show that he becomes a temporary employee. As regards the confessional statement. Ex. M-9 the witness has denied the suggestion that it was written to his dictation. The case of the I party workmen that Ex. M-9 has been obtained from him under coercion or under influence has not been proved. The evidence of MW-1 Srinivas in the connection is interested testimony. It has not been substantiated by anything on record. The immediate conduct of the workmen and the consequent order Ex. M-10 substantiate the contention of the II party that the I party workmen had given Ex. M-9 on his own. However it is important to note that the order of dismissal is not for the misconduct committed by him as shown in the memo dated 19-11-83 Ex. M-8.

10. As has been observed earlier, the case of the II party railways is two-fold. In the first place, it is alleged that because he is guilty of causing grievance injuries to his colleague one Shri V. V. Kannappan and involving himself in offence punishable under Section 341, 326 read with Section 34 I.P.C. Then, secondly it is alleged that he himself continuously remained absent and virtually abandoned his service from 16-5-1985.

11. The evidence of MW-2 Shri N. Shivram, the Inspection of works discloses that on 19-11-1983, the Deputy Chief Engineer one Shri Sheshadri had given him a letter Ex. M-14 to conduct an enquiry and that accordingly, he made enquiry and recorded the statements of the workman Sreenivasa and also of Nagaraja and Mahadeva. The proceedings in five sheets has been marked as Ex. M-15. It further appears in his evidence that then he gave his report as per Ex. M-16 and thereafter a sum of Rs. 10 was recovered from the I party workmen. The evidence of MW-1 Madhusudan Rao or MW-2 Shivram or the document at Ex. M-7 to M-16 do not establish the charge that he had caused grievance hurt to V. V. Kannappan and that the alleged criminal act had any nexus with the duties of the I party workmen. The judgement of the criminal court in C.C.No. 5579/85 of the learned I Judicial Magistrate, Mysore at Ex. W-1 shows that the I party Sreenivasa and another accused Jayanti were acquitted in that case. The judgement is dated 19-7-1988. Ex. W-2 dated 26-11-1984 is a letter addressed to the Medical Officer for medical examination of the I party Sreenivasa and some others. Ex. W-3 is the impugned order. Ex. W-2 indicates that since he had attained temporary status, he had been sent for medical test. On going through Ex. W-3, it is to be found that one of the grounds on which the II party intends to sustain its action is that he remained absent after being arrested by the Police of Mysore on 17-5-1985.

12. Indeed, nothing prevented the management from examining the said V. V. Kannappan and other witnesses and from producing relevant documents, such as injury, certificate, complaint, mahazar etc., and proving the said alleged criminal act. However, for the reasons best known to the management, no evidence has been adduced on that count.

13. Now, it requires to be examined how far the management has established the case put forth in the alternative that he himself abandoned and did not go for work after 15-5-1985, and that the management cannot be blamed for not giving him work.

14. Ex. M-1 to M-6, the muster rolls are for the period as shown below :

- (1) Ex. M-1 from 1st to 30-11-1983
- (2) Ex. M-2 from 1st to 30-6-1984
- (3) Ex. M-3 from 1st to 31-12-1984
- (4) Ex. M-4 from 1st to 28-2-1985
- (5) Ex. M-5 from 1st to 31-3-1985
- (6) Ex. M-6 from 1st to 30-4-1985

These muster rolls have been produced to show that the I party workmen is indifferent in his attendance and that on certain occasions, he had been suspended and on some other occasions, he had remained absent unauthorisedly. Ex. M-12 dated 25-4-1985 shows that since he was not regular in his attendance, he was transferred from the office of the Inspector of works to the Office of the Permanent way Inspector. MW-1 Madhusudan Rao has sworn that the said order, Ex. M-12 was served on the I party Sreenivasa and Ex. M-12 (a) is his acknowledgement. Ex. M-13 dated 10-5-85 is the report made by the Permanent way Inspector to the Deputy C.R. with a copy to the Inspector of works that though the I party workman had been transferred by an order dated 25-4-1985, he had not turned up for duty till that date. In Para 6 of his evidence MW-1 Madhusudan Rao has categorically sworn that even subsequent to the letter, Ex. M-13, he never turned up for work. WW-1, the workman has sworn that before his services were terminated, no notice had been given to him, no enquiry had been held against him and that he had approached the II party management four or five times after he had received the letter of termination of his services, but he was told that unless the criminal case was decided, he will not be taken. There is no case of the I party workman he either wrote any letter or made any representation to the higher authorities that the concerned officers were telling him that he will not be taken to work unless the criminal case was decided. It is not his case that he had issued any legal notice to that effect. No convincing material has been placed before me by him that from May 1985 he approached the management and asked for work, but they did not give him any work. Explaining about his absence, in para 7 of his evidence, WW-1 Sreenivasa swears that he had sent a word through his co-worker and he had produced medical certificates whenever he had remained absent. With reference to the order of transfer, Ex. M-12, WW-1 Sreenivasa has been questioned in Para 14 whether he had reported to his duties after he was transferred. The answer given by him is that at that time he was ill. He further states that he was told orally that he may at end to his duties after he became well. The name of the officer who had told him to that effect had not been disclosed. In the explanation given by him as to why he did not report to duty after he was transferred as per Ex. M-12 does not stand to scrutiny. In para 15 of his evidence, it has been suggested to him that after he was involved in the criminal case, he never approached the II party. He, however asserts that he had sent letters after the criminal case, demanding work, but he concedes that he has not produced any document in that connection. It has been specifically suggested to him that he remained absent without any permission. There is no dispute on the point that the criminal case was filed against him, alleging that he along with one Jayanti had caused grievance hurt to one Kannappan on 11-5-1985. Ex. W-1 shows the particulars of the date of offence and the manner in which the offence was alleged to have been committed. On facts, a finding thus emerges that even since the date prior to his involvement in criminal case on 11-5-85, he had remained absent and from Ex. M-12, it is manifest that he never reported and never turned up for work with effect from 25-4-1985.

15. The learned counsel for the I party referred to the rules regulating the recruitment and other service conditions of casual labour to substantiate the case. A xerox copy of

the said rules, corrected upto 1-5-1979 has been produced before me. Rule 29 of the said rules shows that a casual labour on attaining temporary status is governed by the Discipline and Appeal Rules, Chapter XXIII of the Indian Railway Establishment Manual (Second Edition), placed before me by the management shows that the services of a temporary railway servant can be permitted as provided in Rule 2302. The relevant portion of Rule 2302 reads as follows :

2302. Termination of Service and Periods of Notice.—

- (1) Service of a temporary railway servant shall be liable to termination on 14 days' notice on either side provided that such a railway servant shall not be entitled to any notice of termination of his service—

(i) xx xx xx

- (ii) When he is deemed to have resigned his appointment and ceased to be in railway employ in the circumstances detailed under note 2 below Exception II to rule 732 (1) of the Indian Railway Establishment Code Volume I.

Note (2) below Exception (2) under Rule 732 (1) read as follows :

— Where a temporary Railway Servant fails to resume duty on the expiry of the maximum period or extra ordinary leave granted to him or, where he is granted a lesser amount of extra ordinary leave then the maximum amount admissible, and remains absent from duty for period which, together with the period of extra ordinary leave granted, exceeds the limit upto which he could have been granted such leave under sub-Rule 1 above, he shall unless the President in view of the exceptional circumstances of the case otherwise determines, be removed from service after following the procedure laid down in the Discipline and Appeal Rules for Railway Servants."

Under the aforesaid provisions, if the service of a temporary workmen has been terminated on the premise that he is deemed to have resigned from the appointment, because of the continued absence, it cannot be said that the order of termination is invalid.

16. Section 13-B of the Industrial Employment (Standing Orders) Act, 1946 provides that as regards the workmen of the railways, Indian Railway Establishment Code or any other rule or regulation notified by the Railways would be applicable. The said rules have thus statutory force and they govern the service conditions of the workmen of the railway.

17. The learned counsel for the I party has cited the authority of L. Robert D'Souza Vs. Executive Engineer, Southern Railway (F.J.R. 1982, Page 144) and contended that since the termination of service of the I party workman Sreenivasa is in contravention of Section 25-F of the I. D. Act, it cannot be sustained. The facts of the reported case would show that the workman had demanded that benefit granted by the Central Pay Commission should be extended to them also and since the Government did not concede the demand, the workmen had resolve to give a strike notice. Then the matter had been taken up for conciliation. At such a point of time, the workmen Robert D'Souza had declared his intention to go on fast unto death but at the intervention of the A.L.C. he broke the fast on 28-9-1974

when he was in the hospital. Taking advantage of his absence during the period of fast, the management had passed an order of termination of his service and the workman had then raised the industrial dispute. In the order of termination of service, it was merely stated that he had absented himself unauthorisedly from 9th August 1974 and hence his services were deemed to have been terminated from the day he had absented himself. Under such set of facts and circumstances, it had been held that the termination amounted to retrenchment within the meaning of Section 2(oo) of the I. D. Act and since the provisions of Section 25-F of the I. D. Act had not been complied with, it was held that the order passed by the management was illegal. In the Law of Industrial Disputes by O. P. Mathotra, Vol. I on page 320, while dealing with the effect of insertion of sub-section (bb) in Section 2(oo) of the Act, the learned author has observed that the principles laid down in the case of Sundarmanl, Hindustan Steel and Santosh Gupta in which the workmen were terminated either on expiry of the term of contract or under stipulation contained in the contract of employment do not hold the field any longer. In the case of Mangalore University Non-Teaching Employees Association Vs. Mangalore University represented by its Registrar, Mangala Gangothri, Mangalore decided on 10-6-1988 in W.P. No. 8349 of 1988, it has been laid down that if the services are terminated by virtue of a term in the contract of employment, the provisions of Section 25-F will not be applicable, since, it would be saved under sub-clause (bb) of section 2(oo). In my view, since the authority of Robert D'Souza is of a date prior to the insertion of clause (bb) in Section 2(oo) which came into force on 18-8-1984, it is obvious that the principle laid down in the said case is not attracted.

18. The only question that remains to be examined would be therefore, whether it is case to invoke the provisions of Section 11-A of the I. D. Act. Looking at the facts and circumstances of the case that the criminal court deided the matter and acquitted the I party workman only on 19-7-1988, it appears that there is considerable force in the contention of the II party that the I party workman never approached them, since the time he was involved in the criminal case. Looking from the angle that the workman has been acquitted in the criminal case and that the order of termination is only for continued absence, I am of the view that the termination of his services is too harass and that it requires to be modied. In my opinion, the loss of service and emoluments for these years from 17-5-85 till the date of reinstatement is sufficient penalty for his continued absence and it follows that the management should be directed to reinstate him without any back wages and without counting the service of the said period.

19. In the result, an award is passed to the effect that the management of Deputy Chief Engineer Construction Southern Railway, Bangalore City Mysore Conversion into Broad Gauge Yadavagiri, Mysore-20, was not justified in terminating Shri Sreenivasa, El. Khalasi from sedvices with effect from 17-5-85. The management shall reinstate him within one month from the date on which this award comes into force. It is, further, ordered that he is not entitled to any back wages and his services from 17-5-85 till the date of his reinstatement shall not be counted for any purpose. The management shall give him the rest of the consequential benefit.

(Dictated to the Personal Assistant taken down by her, got typed and corrected by me.)

B. N. LALGE, Presiding Officer

[No. L-41012/44/87-D.II (B)]

HARI SINGH, Desk Officer-